

ILLINOIS REGISTER

Rules of Governmental Agencies

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JIM EDGAR
Secretary of State

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Administrative Code Div.
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(217) 782-9786

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of Part: Research Involving Children and Families

2) Code Citation: 89 Ill. Adm. Code 432

3) Section Numbers: Proposed Action

432.8 Renumbered, New Section
432.9 Renumbered

4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 23, Par. 5001 et seq.

5) A Complete Description of the Subjects and Issues Involved: A new section is being added to the Department's rules governing research involving Department clients. This new section requires that records pertaining to the subjects of research be retained for at least 36 months following termination of the research. In addition, such records shall be opened for inspection to designated Department staff.

6) Will this proposed amendment replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒
If "yes", date:

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No
Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, Ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
217/785-2592

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: The Department of Children and Family Services has determined that the proposed amendments do not have an impact on small business.

The full text of the Proposed amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER f: GENERAL ADMINISTRATION

PART 432

RESEARCH INVOLVING CHILDREN AND FAMILIES

Section 432.1	Purpose
Section 432.2	Definitions
Section 432.3	Responsibilities of the Research Review Board
Section 432.4	Membership of the Research Review Board
Section 432.5	Criteria by Which Proposed Research Will be Evaluated
Section 432.6	Voluntary Assent of Minors and Consent of Adults and Families
Section 432.7	Use of Experimental Drugs
Section 432.8	Retention of Records
Section 432.9	Final Approval of Research Involving Children and Families

432-8

AUTHORITY: Implementing and authorized by AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named (Ill. Rev. Stat. 1987, ch. 23, par. 5001 et seq.) and implementing the National Research Act of 1974 (Pub. L. 93-348, July 12, 1974, 88 Stat. 342 as amended).

SOURCE: Adopted and codified at 5 Ill. Reg. 5842, effective June 5, 1981; amended at 13 Ill. Reg. , effective

Section 432.8 Retention of Records

- a) All records pertaining to the human subject aspects of approved research projects, including but not limited to consent forms, data collection instruments, population/sampling lists, shall be retained by the researchers for a period of at least thirty-six (36) months following termination of the research.
- b) Project records of the researchers shall be open for inspection to the Department's Office of Audits, Office of Investigations or any other Department staff designated by the Director.
- (Source: Former Section 432.8 renumbered to 432.9, New Section 432.8 adopted at 13 Ill. Reg. , effective)
- Section 432.8 9 Final Approval of Research Involving Children and Families
- a) The Director of the Department of Children and Family Services or his designee, will make all decisions, including approval, approval

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

with stipulations, or disapproval for each proposed research project involving Department clients.

- b) The Director, or his designee, shall have the benefit of all opinions of the members of the Research Review Board and any consultant or citizen consulted by the Research Review Board.

(Source: Section 432.9 renumbered from Section 432.8 at 13 Ill. Reg. effective)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standard Filing Requirements for Electric, Gas, Telephone, Water and Sewer Utilities in Filing for an Increase in Rates (General Order 210)

- 2) Code Citation: 83 Ill. Adm. Code 285

Section Numbers:	Proposed Action:	Section Numbers:	Proposed Action:
285.110	Amendment	285.2115	New Section
285.115	Amendment	285.2120	New Section
285.130	Amendment	285.2125	New Section
285.150	Amendment	285.3000	New Section
285.160	Amendment	285.3005	New Section
285.170	Amendment	285.3010	New Section
285.210	Amendment	285.3015	New Section
285.310	Amendment	285.3020	New Section
285.410	Amendment	285.3025	New Section
285.420	Amendment	285.3030	New Section
285.1000	New Section	285.3035	New Section
285.1005	New Section	285.3040	New Section
285.1010	New Section	285.3045	New Section
285.1015	New Section	285.3050	New Section
285.2000	New Section	285.3055	New Section
285.2005	New Section	285.3060	New Section
285.2010	New Section	285.3061	New Section
285.2015	New Section	285.3065	New Section
285.2020	New Section	285.3070	New Section
285.2025	New Section	285.3075	New Section
285.2030	New Section	285.3080	New Section
285.2035	New Section	285.3081	New Section
285.2040	New Section	285.3090	New Section
285.2045	New Section	285.3095	New Section
285.2050	New Section	285.3100	New Section
285.2055	New Section	285.3110	New Section
285.2060	New Section	285.3115	New Section
285.2065	New Section	285.3120	New Section
285.2070	New Section	285.3125	New Section
285.2075	New Section	285.3130	New Section
285.2080	New Section	285.4000	New Section
285.2085	New Section	285.4001	New Section
285.2090	New Section	285.4005	New Section
285.2095	New Section	285.4010	New Section
285.2100	New Section	285.4015	New Section
285.2105	New Section	285.4020	New Section
285.2110	New Section	285.4025	New Section

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- | Section Numbers: | Proposed Action: | Section Numbers: | Proposed Action: |
|------------------|------------------|------------------|------------------|
| 285.5000 | New Section | 285.EXHIBIT A | Repeal |
| 285.5005 | New Section | 285.EXHIBIT B | Repeal |
| 285.5010 | New Section | 285.EXHIBIT C | Repeal |
| 285.5015 | New Section | 285.EXHIBIT D | Repeal |
| 285.5020 | New Section | 285.EXHIBIT E | Repeal |
| 285.5025 | | | |
- 4) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 9-201 and 10-101).
- 5) A Complete Description of the Subjects and Issues Involved:
83 Ill. Adm. Code 285 lists the information to be filed with the Commission at the time a public utility or a telecommunications carrier files for an increase in rates. The purposes of the amendments are to update the rules to reflect the recent amendment of The Public Utilities Act, to reflect the restructuring of the telecommunications industry, and to improve the format of the rules.
- 6) Will these proposed amendments replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: The proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 6, 1989
- B) Types of small businesses affected: This rulemaking will affect those public utilities and telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping and filing procedures.
- D) Types of professional skills necessary for compliance: Accounting skills.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 285

STANDARD FILING REQUIREMENTS FOR ELECTRIC, GAS, TELEPHONE, WATER AND SEWER UTILITIES
AND TELECOMMUNICATIONS CARRIERS IN FILING
FOR AN INCREASE IN RATES
(GENERAL ORDER 210)

SUBPART A: GENERAL INSTRUCTIONS

Section	Purpose
285.110	Definitions
285.115	Applicability
285.120	Minimum Requirements
285.130	Waiver of Information Requirements
285.140	Definition of Terms Test Year
285.150	Submission of Written Testimony
285.160	Schedules
285.170	Working Papers
285.180	

SUBPART B: SUPPLEMENTAL FILING REQUIREMENTS (L)

Section	Information to be Included
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285.210	

SUBPART C: SUPPLEMENTAL INFORMATION

Section	Information to be Made Available
285.310	

SUBPART D: PRODUCTIVITY DATA AND COMPONENT EFFICIENCY MEASURES (L)

Section	Information to be Made Available
285.405	Productivity Data
285.410	Component Efficiency Measures
285.420	

SUBPART E: PROPRIETARY AND CONFIDENTIAL INFORMATION

Section	Proprietary and Confidential Information
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ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: REVENUE AND FINANCIAL SUMMARIES

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285.1010	Schedule A-2 Comparison of Present and Proposed Rates (Telecommunications Carriers)
285.1015	Schedule A-3 Overall Financial Summary
 <u>SUBPART G: RATE BASE</u>	
Section	
285.2000	Rate Base Instructions
285.2005	Schedule B-1 Jurisdictional Rate Base Summary
285.2010	Schedule B-2 Plant in Service by Major Property Grouping or Major Account (Original Cost)
285.2015	Schedule B-2.1 Proposed Adjustments to Plant in Service (Original Cost)
285.2020	Schedule B-2.2 Gross Additions, Retirements and Transfers (Original Cost)
285.2025	Schedule B-2.3 Property Merged or Acquired from Other Utilities
285.2030	Schedule B-2.4 Leased Property Included in Rate Base
285.2035	Schedule B-2.5 Property Held for Future Use Included in Rate Base
285.2040	Schedule B-2.6 Property Excluded from Rate Base
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285.2050	Schedule B-3.1 Proposed Adjustments to Depreciation Reserve
285.2055	Schedule B-3.2 Depreciation Accrual Rates by Accounts, Functional Class or Major Property Group
285.2060	Schedule B-4 Construction Work in Progress
285.2065	Schedule B-4.1 (L) Construction Work in Progress Percent Complete
285.2070	Schedule B-5 Allowance for Working Capital
285.2075	Schedule B-5.1 Balance Sheet Analysis
285.2080	Schedule B-6 Jurisdictional Allocation Factors
285.2085	Schedule B-6.1 Jurisdictional Allocation Statistics - Rate Base
285.2090	Schedule B-6.2 Explanation of Changes in Allocation Procedures - Rate Base
285.2095	Schedule B-7 Comparative Balance Sheet for Most Recent Five Fiscal or Calendar Years
285.2100	Fair Value Rate Base

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

285.2105	Schedule B-8 Jurisdictional Current Value Rate Base Summary
285.2110	Schedule B-8.1 Current Value Plant in Service by Major Property Grouping or Major Account
285.2115	Schedule B-8.2 Proposed Adjustments to Current Value Plant in Service
285.2120	Schedule B-8.3 Current Value Depreciation Reserve
285.2125	Schedule B-8.4 (L) Adjustments to Current Value Depreciation Reserve
 <u>SUBPART H: OPERATING INCOME</u>	
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285.3015	Schedule C-3 Summary of Utility Proposed Adjustments
285.3020	Schedules C-3.1, 2, 3, etc. Detailed Adjustments
285.3025	Schedule C-4 Reconciliation of Filed Operating Income and Expense
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285.3035	Schedule C-5.1 Allocation Statistics
285.3040	Schedule C-5.2 Explanation of Changes in Allocation Procedures
285.3045	Account Analyses
285.3050	Schedule C-6 Income Tax
285.3055	Schedule C-6.1 Investment Tax and Job Development Credits
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285.3065	Schedule C-9 Demonstration and Selling, Advertising, and Miscellaneous Sales Expenses
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ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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285.3125	Schedule C-16.4 (L) Sales Statistics - Jurisdictional Sales Volume (Electric and Gas)
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Section	
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285.4015	Schedule D-4 Embedded Cost of Preferred Stock
285.4020	Schedule D-5 Comparative Financial Data
285.4025	Schedule D-6 Source and Application of Funds

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Section	
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285.5005	Schedule E-2 Scored Copy of Proposed Tariff Schedules
285.5010	Schedule E-3 Narrative Rationale for Tariff Changes
285.5015	Schedule E-4 Jurisdictional Operating Revenue
285.5020	Schedule E-5 Billing Units
285.5025	Schedule E-6 Typical Bill Comparison

ILLUSTRATION A Working Papers Referencing System

EXHIBIT A Revenue and Financial Summaries (Repealed)

EXHIBIT B Rate Base (Repealed)

EXHIBIT C Operating Income (Repealed)

EXHIBIT D Rate of Return (Repealed)

EXHIBIT E Rates and Tariffs (Repealed)

AUTHORITY: Implementing Section 9-201 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 9-201 and 10-101).

SOURCE: Adopted at 5 Ill. Reg. 9029, effective August 28, 1981; amended and codified at 7 Ill. Reg. 15562, effective December 20, 1983; emergency amendment at 10 Ill. Reg. 760, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 8980, effective May 25, 1986; amended at Ill. Reg. effective

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: GENERAL INSTRUCTIONS	
Section 285.110	Purpose

The Standard Filing Requirements are designed to assist the Commission in performing a thorough and expeditious review of filings for base rate increases under Section 36 9-201 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 9-201). Schedules contained in the filing requirements may be designed to provide support for the utility's position or to provide supplemental information to facilitate the Commission Staff's review of the filing. The format presentation of information in these filing requirements should not be construed to bind the Commission to a decision based on this data. The information supplied under these Standard Filing Requirements shall not be construed as evidence or made part of the record unless it is offered by a party under the applicable Commission rules (83 Ill. Adm. Code 200.610 to 200.700). The mere filing of any information under the Standard Filing Requirements will not act to establish the utility's prima facie case.

(Source: Amended at Ill. Reg. , effective)

Section 285.115 Definitions

"Act" means The Public Utilities Act (Ill. Rev. Stat. 19857, ch. 111 2/3, pars. 1-101 et seq.).

"Average data" means the 13-month average data base required for materials and supplies, fuels, gas, in underground storage, and accrued real estate taxes. A 13-month average would be the average of the period beginning with the last month of the proposed Test Year and going back a period of 13 months. If monthly data are not available, the term "average" is to be construed as a simple average of beginning and end-of-year amounts.

"Jurisdictional" means the portion of a utility's certificated service or area for which the requested rate increase is applicable.

"Law" means the Universal Telephone Service Protection Law of 1985, Article XII of the Act (Ill. Rev. Stat. 19857, ch. 111 2/3, pars. 13-101 to 13-803).

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"Total jurisdictional annual revenue," as used in Sections 285.120 and 285.130, means the utility's total revenue subject to the jurisdiction of the Commission.

"Utility," unless the context indicates differently, shall include telecommunications carrier.

(Source: Amended at Ill. Reg. , effective)

Section 285.130 Minimum Requirements

- a) For Large and Medium utilities the Standard Filing Requirements contain the minimum information which a utility is required to submit at the time of its filing for an increase in base rates when such increase results in an increase in total jurisdictional annual revenue of 1.0% or more. The schedules contained in the filing requirements provide the basic information normally required to support a utility's filing. If the utility believes that additional information is necessary to support its case or is proposing a position which requires a departure from the basic schedules (e.g., a special revenue adjustment proposal), the utility should supplement the Standard Filing Requirements as required to support its position. All such supplemental information shall be clearly marked as having been provided at the initiative of the utility. In addition, the Commission, pursuant to Section 9 5-101 of "An Act concerning public utilities" the Act may require utilities to supply information if more current information is available in addition to these requirements during the course of the Staff investigation of a specific case. The filing of any information will not preclude any party from exercising its right to receive a copy of the information, upon request. Submit 6 copies of the completed Standard Filing to the Commission.

- b) For Small utilities (except those utilities requesting a staff review, examination and evaluation of its books, records and operations prior to the filing of a general rate case pursuant to the notice requirements of General Order No- 157, Rule 3(f) to be codified as 83 Ill. Adm. Code 255.20(f)) (See Section 9-201(a) of the Act) a utility is required to submit at the time of filing for an increase in base rates, when such increase

results in an increase in the total jurisdictional annual revenue of 1.0% or more, its complete proposed direct case, testimony of its witnesses and exhibits, to be presented in support of such increase. Small utilities may use the Standard Filing Requirements and associated forms as a guide to determine the type of information sought by the Commission, with the exception that Test Year selection and presentation shall be made pursuant to the definition of "Test Year" in Section 285.150.

(Source: Amended at Ill. Reg. , effective)

Section 285.150 Definition of Terms Test Year

Average Data - A 13-month average data base is required for materials and supplies, fuel, gas in underground storage and accrued real estate taxes. A 13-month average would be the average of the period beginning with the month ending with the last month of the proposed test year and going back a period of 13 months. If monthly data is not available, the term "average" is to be construed as a simple average of beginning and end-of-year amounts.

Individual Responsible - Person who is responsible for the information supplied.

Jurisdictional - Except as used in Sections 285.120 and 285.130, the term "jurisdictional" refers to the portion of a utility's certified service or area for which the requested rate increase is applicable. The term "total jurisdictional annual revenue" as used in Sections 285.120 and 285.130 refers to the utility's total revenue subject to the jurisdiction of the Commission.

- a) Test Year - A utility, at its option, may propose any one of the following twelve-month periods as its proposed Test Year:

1) Historical

- A) Either the latest 12-month period for which actual data is available at the time of filing new tariffs; or

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B) The latest calendar or fiscal year for which actual data is available at the time of filing new tariffs.

2) Current. Any consecutive 12-month period ending not later than twelve (12) months after the date new tariffs are filed. A utility selecting a eCurrent Test Year shall also file, where required by this Part, data for the 12-month period immediately preceding the eCurrent Test Year selected, which period shall be the "historical period" for the utility. A utility which selects that a current year, which, with an updates, results in a completely historical and actual year, in the record by the end of the proceeding, will not be required to comply with filer demonstrate or show, pursuant to this Part, the requirements of subsection (b). for a current or future Test year. During the suspension period, the utility shall update its filing in accordance with the schedule established in the proceeding as actual data becomes available or as significant and material changes in the forecast occur. Examples of significant and material changes would include but not be limited to a general economic upturn or downturn which was not forecasted and unexpected changes in revenue requirements and unexpected additions or losses of customers served.

3) Future. Any consecutive 12-month period ending no later than twenty-four (24) months after the date new tariffs are filed. A utility selecting a Future Test Year shall file, where required by this Part, data for the twelve (12) consecutive months immediately preceding the Future Test Year, which period shall be the "current period" for the utility. The utility shall also file, where required by this Part, data for the twelve (12) consecutive months immediately preceding the current period, which period shall be the "historical period" for the utility. During the suspension period, the utility shall update its filing in accordance with the schedule established in the proceeding as actual data becomes available

or as significant and material changes in the forecast occur. Examples of significant and material changes would include but not be limited to a general economic upturn or downturn which was not forecasted and unexpected changes in revenue requirements and unexpected additions or losses of customers served.

A utility may propose pro forma adjustments of the operating results of the test year to reflect significant changes in plant investment, operating revenues and expenses and capital structure where such changes occurred during the historical or current Test Year. Any proposed adjustment to the test year shall be individually identified and supported in the direct testimony of the utility. Each adjustment shall be submitted in accordance with the Standard Filing Requirements.

b) A utility selecting a eCurrent or Future Test Year must present the following information:

1) A comparison of forecast period data to historical period data to demonstrate the reliability and accuracy of the utility's forecast including a comparison of prior years' forecast or budgeted data to actual data for those periods.

2) A statement of compliance with the Guidelines for System for the Preparation of Financial Forecasts, October 1980, by the American Institute of Certified Public Accountants, and an opinion from an independent certified public accountant that the utility has complied with the guideline;

A statement from an independent certified public accountant that there is compliance in the preparation and presentation of the applicable schedules with the Guide for Prospective Financial Statements (copyright 1986) by the American Institute of Certified Public Accountants. No later amendment or edition is included by this incorporation.

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3) A statement that its forecast is reasonable, reliable, and was made in good faith and that all basic assumptions used in making or supporting the forecast are reasonable, evaluated, identified, and justified to allow the Commission Staff to test the appropriateness of the forecast;

4) A statement that the forecast contains the same assumptions and methodologies as used in the forecast prepared for management or other entities, such as the Securities Exchange Commission or the financial community; if different, then why they are different; and

5) A statement that the accounting treatment which has been applied to anticipated events and transactions in the forecast is the same as the accounting treatment to be applied in recording the events once they have occurred. A statement that it has a program or programs in place to achieve improvements in productivity and efficiency and that the assumptions as to forecast productivity or efficiency gains are identified in the forecast.

c) Each utility which selects a eCurrent or fFuture Test Year shall, if requested by the Commission Staff, run prepare for the Staff forecasts using alternative assumptions. Such requests will be made when the Commission Staff has reason to believe that alternative assumptions have equal or greater validity.

d) Updates. During the suspension period, the utility may be permitted or required to update its filing for significant and material changes in accordance with the schedule established in the proceeding as actual data becomes available. In establishing this schedule, the timing and scope of updated filings and the advisability of requiring that any updated filing be accompanied by an opinion from an independent certified public accountant and other information described in subsection (b) shall be considered. Except for good cause shown, a utility shall not be permitted to submit more than one updated filing, or to submit an updated filing during the final 150 days of the resuspension period. A

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determination of whether good cause has been shown shall include, but not be limited to, the consideration of whether the impact on revenue requirement is potentially significant, whether the changes could reasonably be reflected in an earlier updated filing, and whether the Commission staff and other participants will have an adequate opportunity to review the filing. Examples of significant and material changes would include, but not be limited to, a general economic upturn or downturn which was not in the forecast, unexpected changes in revenue requirements, and unexpected additions or losses of customers served. Whenever the utility updates projected data in its selected Test Year, a reconciliation of original and updated filings shall be provided by the utility, which shall identify and support in its testimony and exhibits the change from any projections in its original filing.

e) Adjustments. A utility may propose pro forma adjustments (estimated or calculated adjustments made in the same context and format that the affected information was provided) to the selected Historical or Current Test Year for all known and measurable changes in the operating results of the Test Year. These adjustments shall reflect significant changes (changes affecting the rate-payers) in plant investment, operating revenues, expenses and capital structure where such changes occurred during the selected Historical or Current Test Year or are reasonably certain to occur subsequent to the selected Test Year within 12 months from the filing date of the tariffs and the amount of the changes are determinable. Attrition or inflation factors shall not substitute for a particularized study of individual capital, revenue and expense components. Any proposed known and measurable adjustment to the Test Year shall be individually identified and supported in the direct testimony of the utility. Each adjustment shall be submitted in accordance with the Standard Filing Requirements' Schedules.

(Source: Amended at Ill. Reg. , effective)

Section 285.160 Submission of Written Testimony

Utilities shall, at the time of filing of tariffs for a base rate increase, file the prepared direct testimony and exhibits of

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utility personnel and/or other any expert witnesses in support of the utility's proposals. Prepared direct testimony shall be in compliance with the Commission's Rules of Practice (General Order 1547, to be codified as 83 Ill. Adm. Code 200). Submission of direct testimony shall not preclude submission of supplemental direct testimony with good cause shown. In determining whether good cause has been shown, the Commission shall consider, among other things, the degree to which the information which is the subject of the supplemental direct testimony was not known to the utility at the time direct testimony was filed, and the degree to which facts have changed due to circumstances beyond the control of the utility.

(Source: Amended at Ill. Reg. , effective)

Section 285.170 Schedules

a) A utility is not precluded from designing its own schedule, provided such schedule conveys the information required by the Standard Filing Requirements. All schedules submitted to the Commission shall be typed. Additional schedules shall be submitted as required to support the utility's filing; such schedules shall be identified by the next unassigned schedule number in the appropriate section

b) Applicable Data

1) Jurisdictional data shall be shown on the schedules unless total company data is expressly requested or is otherwise appropriate. A telephone telecommunications carrier utility, at its option, may provide data on a total company basis (i.e., interstate or intrastate) or on an intrastate basis only. In the event the telephone telecommunications carrier utility provides data on an intrastate basis, the determination of such data shall be in accordance with current 47 CFR 36, "Standard Procedures for Separating Telephone Telecommunications Property Costs, Revenues, Expenses, Taxes and Reserves" (as of March 15, 1983 September 1, 1987) developed by NARUC-FCC Cooperation Committee on Communications. This incorporation does not include any later amendment or edition.

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2) If a historical Test Year is selected, data need only be supplied for the historical year. If a Current Test Year is selected, unless otherwise specified, data must be provided for both the historical and current years. If a Future Test Year is selected, unless otherwise specified, data must be supplied for historical and current years as well as the Future Test Year. The utility may provide the data on one, two or three schedules, one for each year.

SUBPART B: SUPPLEMENTAL FILING REQUIREMENTS (L)

Section 285.210 Material to be Filed

a) Capital expenditures

1) Most recent 5-year capital expenditures budget (3-year budget for telephone, water, sewer and gas rate filings) to be identified as Schedule S-1. Telecommunications carriers are not to include facility's costs in excess of the marginal costs supporting the competitive tariff filing when such facility is utilized solely to provide competitive services. Construction projects which are entirely for the benefit of nonregulated services are also not to be included. The utility shall provide the following information for each major construction project which constitutes 5 percent of the annual construction budget of the service for which the rate relief is requested:

- A) date project started;
- B) estimated completion date;
- C) total estimated cost of construction by year exclusive and inclusive of Allowance for Funds Used During Construction (AFUDC) or interest during construction credit (IDC);
- D) most recent available total costs incurred exclusive and inclusive of AFUDC or interest during construction credit IDC.

2) For all other construction projects, the utility shall submit an aggregate of information requested in items (C) and (D) above and show the most recently available totals by year.

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b) Financial forecast

- 1) A 5-year financial forecast (including a Current or Future Test Year) to be identified as Schedule S-2, providing for each forecast year:

- A) operating income statement (both with and without nonregulated service revenue);
- B) balance sheet;
- C) statement of changes in financial position (source and application of funds statement), both with and without nonregulated service effects).

- 2) The financial forecast should be supported by the underlying assumptions made in projecting the results of operations, such as:

- A) load forecasts (electric);
- B) subscriber and access line growth (telephone telecommunications carriers, excluding nonregulated services);
- C) mix of generation (electric);
- D) mix of gas supply (gas);
- E) employee growth (excluding that entirely due to nonregulated operations);
- F) known labor cost changes (excluding that entirely due to nonregulated operations);
- G) ~~capital structure~~ external financing requirements (See Section 9-230 of the Act);
- H) other (please detail).

- 3) If the utility does not release financial forecasts to any outside party, it may elect to provide, in lieu of Schedule S-2, the following in lieu of ~~Schedule S-2~~ a 5-year projection of revenue requirements necessary to support the requested rate of return (to be identified as Schedule S-2.1). This projection of revenue requirements shall be in the form of an income statement and shall be supported by an explanation of the assumptions made in projecting the revenue requirements, such as:

- A) load forecasts (electric);

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- B) subscriber and access line growth (telephone telecommunications carriers, excluding that due entirely to nonregulated services);
- C) mix of generation (electric);
- D) mix of fuel (gas);
- E) employee growth (excluding that due entirely to nonregulated services);
- F) known labor cost changes (excluding that due entirely to nonregulated services);
- G) ~~capital structure~~ external financing requirements (See Section 9-230 of the Act);
- H) rate base (excluding effects due entirely to nonregulated operations) Telecommunications carriers see Schedule B-1, subsection (b);
- I) other (please detail).

- 4) The projection of revenue requirements shall be accompanied by the following balance sheet items for each forecast year (to be identified as Schedule S-2.2):

- A) gross plant in service (excluding that entirely dedicated to nonregulated operations);
- B) accumulated depreciation (excluding that entirely dedicated to nonregulated operations);
- C) construction work in progress (excluding that entirely dedicated to nonregulated operations);
- D) long-term debt (excluding that entirely dedicated to nonregulated operations);
- E) preferred stock;
- F) common equity;
- G) deferred income taxes (excluding that entirely due to nonregulated operations);
- H) unamortized deferred investment tax credits (excluding that entirely dedicated to nonregulated operations);
- I) other (please detail, excluding that entirely due to nonregulated operations).

- 5) In addition, the following elements of a statement of changes in financial position (source and application of funds) shall be provided and shall

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exclude that which is due entirely to nonregulated operations (to be identified as Schedule S-2.3):

- A) change in cash balances;
- B) retained earnings;
- C) depreciation accruals;
- D) external funding (long-term debt, preferred stock, common equity);
- E) deferred income taxes;
- F) unamortized deferred investment tax credit.

- 6) Three copies of the following information should be delivered to the Staff at the time of the filing:

- A) the most recent federal regulatory agency's (Federal Energy Regulatory Commission (FERC), Federal Communications Commission (FCC)) audit report;
- B) prospectuses of most recent stock and/or bond offerings and future offerings as they become available;
- C) most recent federal regulatory agency report (FERC Form 1, Form 2, FCC Form N);
- D) annual report to shareholders and statistical supplements covering the most recent five years;
- E) most recent annual report to the Commission.

(Source: Amended at Ill. Reg. , effective)

SUBPART C: SUPPLEMENTAL INFORMATION

Section 265.310 Information to be Made Available

The following information shall be made available to the Commission Staff upon request at the utility's headquarters at the start of the Staff investigation:

- a) current organization chart;
- b) chart of accounts;
- c) the past twelve (12) months plus the current months as they become available of the monthly managerial reports providing financial results of operations and comparison to forecast;

- d) most recently filed federal and state income tax returns;
- e) Securities and Exchange Commission (SEC) Annual Report for the most recent two years;
- f) independent auditor's annual opinion report, together with any written communication from the independent auditor to the company which indicates the existence of any material weakness in the company's internal controls;
- g) quarterly reports to stockholders for the most recent five quarters;
- h) summary of the latest depreciation study;
- i) working papers referenced on schedules in the Standard Filing Requirements, as specified in Section 285.180 hereinafter.

(Source: Amended at Ill. Reg. , effective)

SUBPART D: PRODUCTIVITY DATA AND COMPONENT EFFICIENCY MEASURES (L)

Section 285.410 Productivity Data

For the information below, the following codes apply - (T = Telephone Telecommunications Carriers, G = Gas, E = Electric):

- a) Net Generation (E);
- b) Kwh Sales by Customer Class (E);
- c) Purchased Power - Expenditures and Kwh (E);
- d) Interchange Power Received and Delivered - Kwh and net dollar exchange (E);
- e) Cost of Capital - Weighted Average Cost of Debt, Preferred Stock, and Common Equity (T, G, E) (See Section 9-230 of the Act);
- f) Depreciation Expense (T, G, E);
- g) Plant in Service - Book Value (excluding nonregulated Plant in service) (T, G, E);
- h) Total Production Plant (E, G);
- i) Net Change of Plant in Service (excluding nonregulated Plant in service) (T, G, E - Generation, Transmission and Distribution);
- j) Number of full-time and Part-time Employees (excluding those entirely in nonregulated operations) (T, G, E);
- k) Wages and Salaries (excluding those entirely in non-regulated operations) (T, G, E);

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- l) Pensions and Fringe Benefits (excluding those entirely in nonregulated operations) (T, G, E);
- m) Payroll Taxes (excluding those entirely in nonregulated operations) (T, G, E);
- n) Total Labor Expenditures (= (k) + (l) + (m)) (T, G, E);
- o) Total Production Expense (excluding those expenses attributable entirely to nonregulated operations) (E, G);
- p) Steam Transfer Credits (E);
- q) Load Factor and Capacity Utilization (E);
- r) Fuel Expense (G - Purchased Natural Gas, Liquefied Petroleum Gas, Other; E - Fossil, Nuclear, Other);
- s) Average Fuel Cost (per million Btu) (G - Purchased Natural Gas, Liquefied Petroleum Gas, Other; E - Fossil, Nuclear, Other);
- t) Fuel Usage (million Btu) (G - Purchased Natural Gas, Liquefied Petroleum Gas, Other; E - Fossil, Nuclear, Other);
- u) Therm Sales by Customer Class or Rate Classification (G);
- v) Total Storage Plant (G);
- w) Total Transmission Plant (G, E);
- x) Total Distribution Plant (G, E);
- y) General Plant (excluding plant entirely devoted to non-regulated operations) (G, E);
- z) Sales Expense (T, G, E) , Marketing, Product Management and Sales Expenses (excluding nonregulated expenses) (T);
- aa) Advertising Expense (T, G, E);
- bb) Telephone Plant Index (T);
- cc) (L) Operating Rents (T);
- dd) Operation and Maintenance Expenses (T, G, E);
- ee) (G, E) Plant Specific Operations Expense (excluding nonregulated operations) (T);
- ff) Number of Stations Access Lines - Main, Centrex, Private Branch Exchange (PBX) , Extension (T);
- ff) Traffic Expense Plant Nonspecific Operation Expense (excluding nonregulated expenses) (T);
- gg) Materials and Supplies Expense (T, G, E)
- hh) Supply expense (excluding nonregulated expenses) (T);
- hh) Local Service Revenues (excluding nonregulated revenues) (T);
- ii) Toll Revenues (excluding nonregulated revenues) (T);
- jj) Miscellaneous Revenues (excluding nonregulated revenues) (T);

- kk) ~~Commercial and Marketing Expense Customer Operations Expense (excluding nonregulated expenses) (T).~~

(Source: Amended at Ill. Reg. , effective)

Section 285.420 Component Efficiency Measures

For the information listed below the codes listed in Section 285.410 apply.

- a) Customer Accounts Expense Per Customer (T, G, E) Customer Operations Expense Per Customer (T);
- b) Sales Expense Per Customer (T, G, E) Marketing, Product Management and Sales Expenses Per Customer (T);
- c) Advertising Costs Per Customer (T, G, E);
- d) Labor Productivity:
- 1) Net Generation/Number of full-time equivalent employees (Generation) (E);
 - 2) Kwh Sales Sold/Number of full-time equivalent employees (E);
 - 3) Therms Sold/Number of full-time equivalent employees (G);
 - 4) Number of Main Stations Access Lines which are defined for this purpose as all individual business and residence lines, key trunk lines, PBX trunk lines, and Centrex main line with separate numbers/Number of full-time equivalent employees (excluding those entirely employed in nonregulated operations) (T);
- e) Total Labor Expense Per Kwh Sold (E);
- f) Total Labor Expense Per Therm Sold (G);
- g) Total Labor Expense Per Main Station Access Line (See subsection (d)(4)) (T);
- h) Fuel Usage Per Kwh Generated (E);
- i) Purchased Gas Usage Per Therm Sold (G);
- j) Fuel Expense Per Kwh Generated (E);
- k) Fuel Expense Per Therm Sold (G);
- l) Total Operation and Maintenance Production Expense Per Kwh Generated (E);
- m) Total Operation and Maintenance Production Expense Per Therm Sold (G);
- n) Administrative and General Expense Per Customer (T, G, E) Corporate Operations Expenses (T);

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- o) Total Operation and Maintenance Transmission Expense Per Kwh Sold (E);
- p) Total Operation and Maintenance Transmission Expense Per Therm Sold (G);
- q) Total Operation and Maintenance Distribution Expense Per Kwh Sold (E);
- r) Total Operation and Maintenance Distribution Expense Per Therm Sold (G);
- s) Total Pole Lines (Circuit Miles) Per Kwh Sold (E);
- t) Total Tower Lines (Circuit Miles) Per Kwh Sold (E);
- u) Revenue Per Kwh Sold (E);
- v) Revenue Per Therm Sold (G);
- w) Revenue Per Station (Main Center, Access Lines and PBX and Extension) (T);
- x) Earned Salaries and Wages (excluding those entirely employed in nonregulated operations) Per Main Station Access Line (See subsection (d)(4)) (T);
- y) Total Operating Expenses Plant Nonspecific Operations Expense (excluding nonregulated operating expense) Per Main Station Access Line (See subsection (d)(4)) (T);
- z) Traffic Expense Customer Operations Expense (excluding nonregulated operating expense) Per Main Station Access Line (See subsection (d)(4)) (T);
- aa) General and Marketing Expense Plant Nonspecific Operations Expense (excluding nonregulated operating expense) Per Main Station Access Line (See subsection (d)(4)) (T);
- bb) Equivalent Availability by Unit (E);
- cc) Capacity Factor by Unit (E).

(Source: Amended at Ill. Reg. , effective)

SUBPART F: REVENUE AND FINANCIAL SUMMARIES

Section 285.1000 Revenue and Financial Summaries

Subpart F includes 3 schedules. Schedules A-1 and A-2 are to summarize the revenue by rate classification or revenue classification. Information to be reported is taken from the Subpart J schedules or the books and records of the utility. Schedule A-3 reports the calculated increase in revenue requirements for the Test Year for jurisdictional revenues.

(Source: Added at Ill. Reg. , effective)

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Section 285.1005 Schedule A-1 Comparison of Present and Proposed Rates Jurisdictional Pro Forma (Non-Telecommunications Carriers)

Schedule A-1 is to be used by non-telecommunications carriers. Data shall be provided by effective rate classification and shall show for the Test Year only the average number of customers, number of units sold, revenue at present rates, revenue at proposed rates, difference in revenue and percent change. If the Test Year is other than the historical year, then the schedule shall also show the average number of customers, units sold and revenue for the historical year.

(Source: Added at Ill. Reg. , effective)

Section 285.1010 Schedule A-2 Comparison of Present and Proposed Rates (Telecommunications Carriers)

Schedule A-2 is to be used by telecommunications carriers. Data to be reported covers:

- a) each accounting revenue classification segregated as to competitive and noncompetitive services (excluding nonregulated service revenues); and
- b) historical revenues, revenue at present and proposed rates, difference in revenues in dollars and percentage change for Test Year segregated as to competitive, which services may be aggregated, and noncompetitive services (excluding nonregulated service revenues).

(Source: Added at Ill. Reg. , effective)

Section 285.1015 Schedule A-3 Overall Financial Summary

- a) Schedule A-3 includes for the Test Year the elements of rate base and reports the increase in revenue requirements requested by the utility.

- b) Data to be reported covers:

- 1) fair value rate base (optional);
- 2) original cost rate base;
- 3) current value;
- 4) operating income;
- 5) earned or projected rate of return for fair value, when fair value rate base presentation is used, and original cost rate base;

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- 6) cost of capital;
 7) proposed operating income;
 8) income deficiency;
 9) gross revenue conversion factor (before add-on charges for revenue taxes);
 10) revenue increase requested;
 11) revenue increase including add-on revenue taxes.

(Source: Added at Ill. Reg. , effective)

SUBPART G: RATE BASE

Section 285.2000 Rate Base Instructions

a) Property classification. The schedules included in Subpart G are designed to be applicable to more than one type of utility. All utilities, as applicable, must comply with the Uniform System of Accounts approved by the Commission as 83 Ill. Adm. Code 505, 415, 605, 650, and 710).

b) Jurisdictional allocation. Except for telecommunications carriers, a utility need not make any non-jurisdictional allocations where total utility non-jurisdictional revenues for which rate relief is requested for the type of service are equal to, or less than, 5% of total company utility revenues.

(Source: Added at Ill. Reg. , effective)

Section 285.2005 Schedule B-1 Jurisdictional Rate Base Summary

a) Summary rate base information shall be presented in Schedule B-1. The information requested on Schedule B-1 is supported by the schedules which follow, i.e., Plant in Service information is supported by Schedule B-2; Depreciation Reserve is supported by Schedule B-3; Construction Work in Progress is supported by Schedule B-4; Allowance for Working Capital is supported by Schedule B-5. Jurisdictional Allocation Factors are supported by Schedule B-6, and Historical Rate Base data is supported by Schedule B-7. Fair Value (optional) is supported by Schedules B-8 to B-8.4.

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b) Data to be covered includes:

- 1) Gross utility plant in service at original cost (see Section 285.210 (a) (1));
- 2) Reserve for accumulated depreciation;
- 3) Net utility plant in service ((1) - (2));
- 4) Working capital allowance;
- 5) Construction work in progress included in rate base;
- 6) Contribution in aid of construction;
- 7) Other items (specify), customer advances, advanced billings, deferred income tax;
- 8) Jurisdictional rate base (original cost) (3+4+5-6-7);
- 9) Adjustment for fair value (optional) at original cost (in dollars), and weight (in percentage);
- 10) Fair value rate base (optional).

c) Other items shall be supported by schedules of the company's own design (schedules shall contain a description of items, dollars involved by account, and reasons for additions or deletions to the rate base).

d) For telecommunications carriers only, each existing and proposed competitive service for the test-year shall be supported by an estimate of long run marginal cost in detail sufficient to observe any potential subsidy of competitive service by noncompetitive service. The subsidy is said to exist if the proposed test year revenue requirement includes any amount by which the long run marginal costs for all competitive services in total exceeds the revenues designed to be collected from all competitive services together. Assumptions of usage levels and usage type that justify the estimate of long run marginal cost of each and all competitive service shall reflect a full reconciliation of all portions of commonly shared assets between competitive and noncompetitive service, such that the used and useful portion of assets for noncompetitive service can be determined. A long run marginal cost study (defined in 83 Ill. Adm. Code Part 745.200) is to be submitted to support competitive services provided on a regulated basis except: (1) competitive services for which a long run marginal cost study had been submitted to the Commission within six months of the current filing or (2) competitive services for which the supporting

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marginal cost study projected marginal costs over a time period which encompasses the current filing and, based on a review of the assumptions underlying the study, the telecommunications carrier states that there have been no changes in these assumptions sufficient to cause the costs to increase by more than 10% or to cause the cost to exceed the revenues designed to be collected from such services. Facilities used to provide nonregulated services are to be excluded in the formulation of regulated revenue requirements in accordance with 83 Ill. Adm. Code 711 or 712 as may be applicable.

(Source: Added at Ill. Reg. , effective)

Section 285.2010 Schedule B-2 Plant in Service by Major Property Grouping or Major Account (Original Cost)

- a) Provide in Schedule B-2 a breakdown of the dollars of Plant in Service by each major property grouping, functional class or account number. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description or property grouping (whichever is applicable);
- 4) Total company;
- 5) Less: nonregulated facilities
- 6) Less: competitive service facilities (Telecommunications carriers, see subsection (b) and (c) under Schedule B-1.)
- 7) Allocated percentage;
- 8) Allocated total;
- 9) Adjustment amount;
- 10) Adjusted jurisdictional amount.

(Source: Added at Ill. Reg. , effective)

Section 285.2015 Schedule B-2.1 Proposed Adjustments to Plant in Service (Original Cost)

- a) For the Test Year, provide each adjustment made to Plant in Service on Schedule B-2 and fully explain in Schedule B-2.1. Telecommunications carriers see subsection (b) under Schedule B-1.

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b) Data to be covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account or major property group description;
- 4) Amount by total company;
- 5) Adjustment;
- 6) Description and purpose of adjustment.

(Source: Added at Ill. Reg. , effective)

Section 285.2020 Schedule B-2.2 Gross Additions, Retirements and Transfers (Original Cost)

For the Test Year, provide for each major functional plant property group or account, the plant beginning and ending balances, gross additions, retirements and transfers for the company occurring in the Test Year. If, in a particular account, transfers are a normal course of events, only a general description (under the column "Explanation of Transfer") of the nature of the transfers is required. Telecommunications carriers see subsection (b) under Schedule B-1.

(Source: Added at Ill. Reg. , effective)

Section 285.2025 Schedule B-2.3 Property Merged or Acquired from Other Utilities

- a) Provide a list of all plant property over \$100,000 either merged or acquired from other utilities in the last 3 years. Explain how the property was entered into plant property records (e.g., entered as original cost, purchase price in year of purchase, original cost less accrued book depreciation in year of purchase, etc.). Also describe the accounting treatment of any acquisition adjustments. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered includes:

- 1) Line number;
- 2) Account number, group or function;
- 3) Description of property;
- 4) Acquisition cost;
- 5) Cost basis;
- 6) Acquisition adjustment;

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- 7) Commission approval date (Docket number);
8) Date of acquisition;
9) Explanation of property accounting treatment.

(Source: Added at Ill. Reg. , effective)

Section 285.2030 Schedule B-2.4 Leased Property Included in Rate Base

- a) Provide a list of all properties leased to the utility, as lessee, and improvements to leased properties, together with annual lease payments. Data covered includes all properties leased with lease payments over \$100,000 which are capitalized. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered includes:

- 1) Identification or reference number;
2) Description of type and use of property;
3) Name of lessor;
4) Frequency of payments;
5) Amount of lease payment;
6) Dollar value (or estimate) of property involved.

(Source: Added at Ill. Reg. , effective)

Section 285.2035 Schedule B-2.5 Property Held for Future Use Included in Rate Base

- a) Prepare a list of all property held for future use included in rate base. Plant held for future use shall not be included in any Plant in Service amounts on Schedules B-1, B-2, and B-2.1. Telecommunications carriers see subsection (b) under Schedule B-1.

b) Data to be covered includes:

- 1) Line number;
2) Description and location of property;
3) Date of acquisition;
4) Original cost;
5) Accumulated depreciation;
6) Net original cost ((4) - (5)).

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- c) For Revenue realized, include:

- 1) Amount;
2) Account number;
3) Description.

- d) For Expenses incurred, include:

- 1) Amount;
2) Account number;
3) Description.

- e) Also include expected in-service date and expected use of property. Only amounts exceeding \$100,000 need be separately listed. For items under \$100,000, aggregate in one line.

(Source: Added at Ill. Reg. , effective)
Section 285.2040 Schedule B-2.6 Property Excluded from Rate Base

- a) For the service or area where rate relief is requested, provide a list of all utility-owned property associated with the service or area excluded from the rate base for reasons other than jurisdictional allocation. Telecommunications carriers see subsection (b) under Section B-1.

b) Data to be covered includes:

- 1) Line number;
2) Account number, group or function;
3) Description of property;
4) Acquisition cost;
5) Original cost;
6) Accumulated depreciation;
7) Depreciated original cost;
8) Reasons for exclusion.

- c) Only items over \$100,000 need be separately listed. Items under \$100,000 may be aggregated in one line item. Construction Work in Progress should not be shown on this schedule.

(Source: Added at Ill. Reg. , effective)

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Section 285.2045 Schedule B-3 Depreciation Reserve

- a) List depreciation reserve by major property grouping, functional class or account numbers. If depreciation reserves are not kept by major property groupings but are kept in total, only the totals should be given. In the case of water and/or sewer companies, only totals in Schedule B-3 are required. Telecommunications carriers see subsection (b) under Schedule B-1.

- b) Data to be covered includes:

- 1) Line number;
- 2) Functional class, major property group or account number;
- 3) Total company;
- 4) Allocated percentage;
- 5) Allocated total;
- 6) Adjustment amount;
- 7) Adjusted jurisdictional amount.

(Source: Added at Ill. Reg. , effective)

Section 285.2050 Schedule B-3.1 Proposed Adjustments to Depreciation Reserve

- a) For the Test Year, provide the information indicated in Schedule B-3.1 for all proposed adjustments to depreciation reserve made in Schedule B-3. Telecommunications carriers see subsection (b) under Schedule B-1.

- b) Data to be covered includes:

- 1) Line number;
- 2) Adjustment title;
- 3) Total company amount and allocated amount;
- 4) Description and purposes of adjustment.

(Source: Added at Ill. Reg. , effective)

Section 285.2055 Schedule B-3.2 Depreciation Accrual Rates by Accounts, Functional Class or Major Property Group

- a) For the Test Year, the utility shall use whatever rate base data is selected. For accrual rates, whatever rate

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was or will be used in the annual report shall be used in this schedule. Telecommunications carriers see subsection (b) under Schedule B-1.

- b) Data to be covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description;
- 4) Plant investment in jurisdiction;
- 5) Current accrual rate in percentage;
- 6) Calculated depreciation expense;
- 7) Percentage net salvage;
- 8) Average service life;
- 9) Curve form.

(Source: Added at Ill. Reg. , effective)

Section 285.2060 Schedule B-4 Construction Work in Progress

- a) Construction Work in Progress ("CWIP") shall be consistent with the definition given in the Uniform System of Accounts. Provide a list of all construction projects over 5% of the total CWIP balance for the period reported for the utility service for which rate relief is requested. Construction entirely devoted to nonregulated operations is not to be included. See Section 9-214 of the Act.

- b) Data to be covered includes:

- 1) Line number;
- 2) Project number;
- 3) Description of project;
- 4) Direct costs (construction dollars);
- 5) Indirect costs: AFUDC capitalized;
- 6) Indirect costs: other;
- 7) Total cost;
- 8) Allocation percentage;
- 9) Total jurisdictional cost;
- 10) Estimated percent completion.

(Source: Added at Ill. Reg. , effective)

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Section 285.2065 Schedule B-4.1 (L) Construction Work in Progress Percent Complete

- a) Provide a list of construction projects in progress which are included in Schedule B-4. See Section 9-214 of the Act.

- b) Data to be covered includes:

- 1) Line number;
- 2) Project number;
- 3) Description of project;
- 4) Date project started;
- 5) Most recent estimated project completion date;
- 6) Original budget estimate;
- 7) Most recent revised estimate;
- 8) Accumulated construction costs;
- 9) Percent complete $((8) \div (7) \times 100)$.

(Source: Added at Ill. Reg. , effective)

Section 285.2070 Schedule B-5 Allowance for Working Capital

Provide a summary schedule showing the calculation of working capital for the period reported. Show each individual component (cash, materials and supplies, etc.) and describe the methodology used to calculate each component. If working capital calculation is not applicable, omit Schedule B-5. Working capital requirements for entirely nonregulated services and operations are not to be included.

(Source: Added at Ill. Reg. , effective)

Section 285.2075 Schedule B-5.1 Balance Sheet Analysis

Determine the average (thirteen months) balance for materials and supplies, gas stored underground, fuels, and accrued real estate taxes. Allocate the average balances to the jurisdiction using appropriate allocation factors. Material and supplies which are solely to be used for nonregulated services and operations are not to be included in the calculation of inventory for material and supplies.

(Source: Added at Ill. Reg. , effective)

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Section 285.2080 Schedule B-6 Jurisdictional Allocation Factors

- a) For the Test Year, identify by rate base account or component, the factor(s) used in allocating total utility property to the jurisdiction. The allocation factors used shall be based on the statistical measures shown in Schedule B-6.1. For example, if it were determined that the account "Structures and Improvements" should be allocated to the jurisdiction based on the ratio of jurisdictional sales to total sales, the appropriate jurisdictional sales allocation factor would be developed in Schedule B-6.1 and applied to the Structure and Improvements accounts on Schedule B-6.

- b) Data to be covered includes:

- 1) Line number;
- 2) Account number;
- 3) Account description;
- 4) Allocation factor;
- 5) Description of factor and/or method of allocation.

(Source: Added at Ill. Reg. , effective)

Section 285.2085 Schedule B-6.1 Jurisdictional Allocation Statistics - Rate Base

- a) Provide for the Test Year the data used in determining the jurisdictional percentages for each allocation factor to be used on Schedule B-6.

- b) Data to be covered includes:

- 1) Line number;
- 2) Allocation factor;
- 3) Statistic total company;
- 4) Adjustment to total company statistic;
- 5) Adjusted statistic for total company $((3) + (4))$;
- 6) Statistic for service or area;
- 7) Allocation factor $((6) \div (5))$.

(Source: Added at Ill. Reg. , effective)

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Section 285.2090 Schedule B-6.2 Explanation of Changes in Allocation Procedures - Rate Base

This schedule shall be completed only if the allocation procedures described in the prior schedules are not consistent with the last Commission order for the company. For each account or component with a change, identify the allocation factor used in the prior order and the rationale for not using that factor in this application.

(Source: Added at Ill. Reg. , effective)

Section 285.2095 Schedule B-7 Comparative Balance Sheet for Most Recent Five Fiscal or Calendar Years

Provide for the total company summary balance sheet (net plant classified by major property grouping, if applicable) for the most recent five fiscal or calendar years and the Test Year.

(Source: Added at Ill. Reg. , effective)

Section 285.2100 Fair Value Rate Base

If a utility elects to submit only an original cost rate base, Schedules B-8, B-8.1, B-8.2, B-8.3 and B-8.4 need not be completed and waiver from the Commission on these schedules is not required. Data to be submitted need cover only the Test Year.

(Source: Added at Ill. Reg. , effective)

Section 285.2105 Schedule B-8 Jurisdictional Current Value Rate Base Summary

- a) Summary current value rate base information shall be presented in Schedule B-8. The information requested on Schedule B-8 is supported by the schedules which follow, i.e., Current Value Plant in Service information is supported by Schedules B-8.1 and B-8.2; Reserve for Accumulated Depreciation is supported by Schedules B-8.3 and B-8.4. Other items shall be supported by schedules of the utility's own design (schedules shall contain a description of items, dollars involved by account, and reason for additions or deletions to the current value rate base).

- b) Data to be covered includes:

- 1) Line number;
- 2) Gross utility plant in service current value;
- 3) Less reserve for accumulated depreciation;
- 4) Net current value of utility plant in service ((2) - (3)).

(Source: Added at Ill. Reg. , effective)

Section 285.2110 Schedule B-8.1 Current Value Plant in Service by Major Property Grouping or Major Account

- a) Provide in Schedule B-8.1 a breakdown of the dollars of current value plant in service by each functional class, account number or major property grouping.

- b) Data to be covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description or property grouping (whichever is applicable);
- 4) Total utility;
- 5) Allocated percentage;
- 6) Allocated total;
- 7) Adjustment amount;
- 8) Adjusted jurisdictional amount.

(Source: Added at Ill. Reg. , effective)

Section 285.2115 Schedule B-8.2 Proposed Adjustments to Current Value Plant in Service

- a) Each adjustment made to current value plant in service on Schedule B-8.1 shall be explained in Schedule B-8.2.

- b) Data to be covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description or property grouping;
- 4) Amount by total utility;
- 5) Adjustment;
- 6) Description and purpose of adjustment.

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(Source: Added at Ill. Reg. , effective)

Section 285.2120 Schedule B-8.3 Current Value Depreciation Reserve

- a) List Test Year current value depreciation reserve by group, functional class or account numbers. Describe the method used to determine the appropriate depreciation reserve for each account.

- b) Data to be covered includes:

- 1) Line number;
- 2) Account number, group or function;
- 3) Total company;
- 4) Allocated percent;
- 5) Allocated total;
- 6) Adjustment amount;
- 7) Adjusted jurisdiction;
- 8) Method.

(Source: Added at Ill. Reg. , effective)

Section 285.2125 Schedule B-8.4 (L) Adjustments to Current Value Depreciation Reserve

- a) For all adjustments to current value depreciation reserve made in Schedule B-8.3, provide the information indicated in Schedule B-8.4.

- b) Data to be covered includes:

- 1) Line number;
- 2) Adjustment title;
- 3) Total company amount and allocated amount;
- 4) Description and purposes of adjustment.

(Source: Added at Ill. Reg. , effective)

SUBPART H: OPERATING INCOMESection 285.3000 Operating Income Instructions

- a) Account classifications. The schedules included in Subpart H do not prescribe specific account classifications in order that the schedules may be

applicable to more than one type of utility. Nonregulated income is not to be included in schedules.

- b) Jurisdictional allocation. Except for telecommunications carriers, a utility need not make any non-jurisdictional allocations where total utility non-jurisdictional revenues for which rate relief is requested for the type of service are equal to, or less than, 5% of total company utility revenues.

(Source: Added at Ill. Reg. , effective)

Section 285.3005 Schedule C-1 Jurisdictional Operating Income Summary

- a) For the Test Year, provide the jurisdictional operating income statement by major category (sources of income by grouping of types of service) for the jurisdiction for which a rate increase is requested, both at the present rates and at the proposed rates.

- b) Data to be covered includes:

- 1) Line number;
- 2) Description (operating revenue, operating expenses, operation & maintenance, depreciation, taxes, federal income taxes, state income taxes, total operating expenses, income available from jurisdictional operations, rate base, rate of return);
- 3) Present rates;
- 4) Test Year proposed increase;
- 5) Test Year proposed rates;
- 6) Historical year at present and proposed rates.

(Source: Added at Ill. Reg. , effective)

Section 285.3010 Schedule C-2 Detailed Jurisdictional Operating Income Statement

- a) Provide a detailed operating income statement by major account function (see uniform system of accounts for the utility) or group classification.

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b) Data to be covered includes:

- 1) Line number;
- 2) Major account function or group classification (excluding the effects of nonregulated operations);
- 3) Description;
- 4) Total company;
- 5) Jurisdictional before adjustment;
- 6) Composite allocation percentage;
- 7) Adjustment;
- 8) Jurisdictional amount adjusted.

(Source: Added at Ill. Reg. , effective)

Section 285.3015 Schedule C-3 Summary of Utility Proposed Adjustments

Summarize each adjustment to total operating income in Schedule C-3, showing for each adjustment the impact upon the elements of operating income. Each adjustment shall be referenced by title of adjustment to the appropriate supporting schedules.

(Source: Added at Ill. Reg. , effective)

Section 285.3020 Schedules C-3.1, 2, 3, etc. Detailed Adjustments

Provide for each proposed adjustment included on Schedule C-3 a separate schedule showing:

- a) The title of adjustment and reference to operating income, Schedule C-2;
- b) Purpose and description of the adjustment;
- c) Reference to company supporting work paper;
- d) Summary calculations supporting the adjustment, by jurisdictional amount.

(Source: Added at Ill. Reg. , effective)

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Section 285.3025 Schedule C-4 Reconciliation of Filed Operating Income and Expense

- a) Provide a detailed reconciliation of the effect of inflation between the General Ledger or the Basic Forecast Operating Income and Expense Statement included in direct testimony and the Operating Income and Expense Statement included in the filing made pursuant to this Part. Provide a detailed reconciliation of the effect of inflation between the Operating Income and Expense Statement included in direct testimony and the Operating Income and Expense Statement included in any updated filings.

b) Data to be covered includes:

- 1) Line number;
- 2) Major account function listed in the Operating Income and Expense Statement used in the original filing;
- 3) Description;
- 4) Filed operating income and expense amounts;
- 5) Adjustment for inflation identifying each inflation factor and the amount to which it was applied;
- 6) Utility proposed adjustments from Schedule C-3; General ledger or base forecast (line (4) less lines (5) and (6)).
- 7)

(Source: Added at Ill. Reg. , effective)

Section 285.3030 Schedule C-5 Summary of Jurisdictional Allocational Factors

For the Test Year, identify by operating income element the factor(s) used in allocating total utility operating revenues, expenses and income by account, function or group classification to the jurisdiction on Schedule C-5.

(Source: Added at Ill. Reg. , effective)

Section 285.3035 Schedule C-5.1 Allocation Statistics

- a) Provide for each allocation factor the statistics used in determining the jurisdictional percentages.

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b) Data to be covered includes:

- 1) Line number;
- 2) Allocation factors;
- 3) Statistic for total company;
- 4) Adjusted to total company statistic;
- 5) Adjusted statistic for total company;
- 6) Statistic for rate area;
- 7) Allocation factor.

(Source: Added at Ill. Reg. , effective)

Section 285.3040 Schedule C-5.2 Explanation of Changes in Allocation Procedures

This schedule shall be completed only if the allocation procedures described in Schedule C-5.1 are not consistent with the last Commission order for the company. For each account, function or group classification with a change, identify the allocation factor used in the prior order and rationale for not using that factor in this application.

(Source: Added at Ill. Reg. , effective)

Section 285.3045 Account Analyses

For Current Test Years and Future Test Years, general categories may be listed and amounts aggregated if of a similar nature, but the aggregation must still retain reference to the composition of the aggregation.

(Source: Added at Ill. Reg. , effective)

Section 285.3050 Schedule C-6 Income Tax

For the Test Year, provide a calculation of federal and state income tax expense, including a reconciliation of book to taxable income pursuant to the Commission's annual report forms for electric gas utilities and telecommunication carriers which file Form 23 or Form 23A (Annual Report forms). If the taxes included in Test year operating income were not calculated in a manner consistent with Schedule C-6, provide an additional schedule showing the methodology used.

(Source: Added at Ill. Reg. , effective)

Section 285.3055 Schedule C-6.1 Investment Tax and Job Development Credits

For the Test Year, provide in Schedule C-6.1 a schedule of additions to and amortization of unamortized investment tax credits and job development credits.

(Source: Added at Ill. Reg. , effective)

Section 285.3060 Schedule C-7 Social and Service Club Membership Dues

a) Provide on Schedule C-7 a listing of the payee, the amount, the description, and the accounts charged for social and service club membership dues.

b) Items under \$1,000 each may be provided in total.

c) Non-claimed expenses may be listed in the aggregate.

(Source: Added at Ill. Reg. , effective)

Section 285.3061 Schedule C-8 Charitable Contributions

a) Provide on Schedule C-8 a listing of the payee, the amount, the description, and the account(s) charged for charitable contributions.

b) Items under \$1,000 each may be provided in total.

c) Non-claimed expenses may be listed in the aggregate.

(Source: Added at Ill. Reg. , effective)

Section 285.3065 Schedule C-9 Demonstration and Selling, Advertising, and Miscellaneous Sales Expenses

Provide on Schedule C-9, in accordance with the Uniform System of Accounts for each telecommunications carrier with appropriate functions, the total amount, description, and accounts. For electric and gas utilities, provide information according to 83 Ill. Adm. Code 295 and Section 9-225 of the Act.

(Source: Added at Ill. Reg. , effective)

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Section 285.3070 Schedule C-10 Civil, Political and Related Activities

List all expenditures made for political activity or lobbying regulated by the Lobbyist Registration Act (Ill. Rev. Stat. 1987, ch. 63, pars. 171 et seq.). See Section 9-224 of the Act.

(Source: Added at Ill. Reg. , effective)

Section 285.3075 Schedule C-11 Rate Case Expense

Provide on Schedule C-11 an analysis of rate case expenses and rate case amortization for the Test Year. The prior rate case used for comparison purposes shall be the most recent case. Any significant changes may be footnoted by the utility.

(Source: Added at Ill. Reg. , effective)

Section 285.3080 Schedule C-12 Payroll Costs

Provide on Schedule C-12 the distribution for the total utility of the Test Year direct payroll costs by account classification, major property grouping, and functional classification.

(Source: Added at Ill. Reg. , effective)

Section 285.3081 Schedule C-12.1 Executive Compensationa) Provide executive compensation on Schedule C-12.1b) Information to be included:

- 1) Total remuneration paid and accrued for the five highest paid officers whose total remuneration exceeds \$50,000 annually, and
- 2) Amount of remuneration paid to all officers as a gross amount stating the number of officers whose remuneration is included in that amount.

(Source: Added at Ill. Reg. , effective)

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Section 285.3090 Schedule C-13 Summary of Affiliated Interest Transactions

a) List all affiliated interest transactions for historic and current test years. Also provide any known contracts for future years.

b) The following information shall be disclosed:

- 1) Date of transaction or transaction period;
- 2) Company or individual;
- 3) Nature of transaction(s);
- 4) Dollar amount of transaction(s);
- 5) Commission Docket number of approval, if applicable.

(Source: Added at Ill. Reg. , effective)

Section 285.3095 Schedule C-14 Computation of Gross Revenue Conversion Factor

Provide a detailed calculation of the gross revenue conversion factor used in Schedule A-3. Calculation shall be based on actual applicable tax rates.

(Source: Added at Ill. Reg. , effective)

Section 285.3100 Schedule C-15 Comparative Income Statements for the Most Recent Five Fiscal or Calendar Years

a) Provide comparative income statements for the most recent 5 fiscal or calendar years in Schedule C-15.

b) Data to be covered includes:

- 1) Line number;
- 2) Description;
- 3) Income for the most recent five fiscal or calendar years.

(Source: Added at Ill. Reg. , effective)

Section 385.3110 Schedule C-16.1 (L) Sales Statistics - Total Company Revenue (Electric and Gas)

a) Provide total company revenues on Schedule C-16.1.

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- b) Information provided shall be for the most recent 5 historical and 3 projected fiscal or calendar years.

are to the Uniform System of Accounts for Telecommunications Carriers, 83 Ill. Adm. Code 710):

(Source: Added at Ill. Reg. , effective)

1) Investment

Section 285.3115 Schedule C-16.2 (L) Sales Statistics - Total Company Sales Volume (Electric and Gas)

A) Property, Plant and equipment investments (Accounts 2001-2007, excluding subsections (B) through (G) inclusive below which are to be listed separately);

B) Land and building investments;

C) Central office equipment investments;

D) Local loop distribution investment;

E) Interoffice outside plant investments;

F) Allowance for funds used during construction

G) Total of Investment Costs.

(Source: Added at Ill. Reg. , effective)

Section 285.3120 Schedule C-16.3 (L) Sales Statistics - Jurisdictional Revenue (Electric and Gas)

2) Operation, Maintenance and Overhead Expenses

- a) Provide the revenues derived from sales subject to the jurisdiction of the Commission on Schedule C-16.3.

A) Plant specific operations expense (Accounts 6110-6441) excluding subsections (B) through (E) inclusive below which are to be listed separately;

- b) Information provided shall be for the most recent 5 historical and 3 projected fiscal or calendar years.

B) Operations and maintenance expense for land and buildings;

(Source: Added at Ill. Reg. , effective)

Section 285.3125 Schedule C-16.4 (L) Sales Statistics - Jurisdictional Sales Volume (Electric and Gas)

C) Operations and maintenance expense for central office;

D) Operations and maintenance expense for local loop distribution;

E) Operations and maintenance expense for interoffice outside plant;

- a) Provide the volume of sales subject to the jurisdiction of the Commission on Schedule C-16.4.

of the Commission on Schedule C-16.4.

- b) Information provided shall be for the most recent 5 historical and 3 projected fiscal or calendar years.

F) Plant non-specific operations expense (Accounts 6510-6565);

(Source: Added at Ill. Reg. , effective)

Section 285.3130 Schedule C-17 Long-Run Marginal Cost Study(ies) (Telecommunications)

J) Operating Income Tax and other taxes (Accounts 7220, 7230, 7240) and uncollectible revenue - other (Account 5302);

K) Cost of Money

L) Total Operation, Maintenance and Overhead Expenses.

- a) All long-run marginal cost data for competitive telecommunications service shall be separated into the following categories reflecting total investment costs and the total operation, maintenance and overhead expenses. Data to be included (All Account references

- b) Telecommunication carriers shall provide the total test year competitive service(s) revenues and the total test

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Year long run marginal costs associated with the competitive service(s).

(Source: Added at Ill. Reg. , effective)

SUBPART I: RATE OF RETURN

Section 285.4000 Schedule D-1 Cost of Capital Summary

The company shall provide a weighted average cost of capital summary which shall include on a total company and jurisdictional basis a calculation of the weighted average cost of capital. The company may show any class of capital which is appropriate. For all classes shown, however, the amount, percentage of total, percentage cost, and weighted cost shall be provided. If the cost of capital shown on Schedule D-1 is not the same as that shown on Schedule A-3, line 6, provide an explanation of the difference. See Section 9-230 of the Act. Telecommunications carriers shall apply an over-all rate of return to the rate base which includes competitive and noncompetitive services. See subsection (d) under Schedule B-1.

(Source: Added at Ill. Reg. , effective)

Section 285.4001 Terms Used in Subpart I

"After-tax fixed charge coverage" - (Income available for fixed charges) divided by (interest charges plus preferred dividends).

"Book value per share" - Year-end common stock equity divided by number of common shares outstanding at year end.

"Indenture provision coverage" - Company shall provide this definition and also the minimum coverage required; if other restrictions are contained in indenture, (e.g., capitalization ratio test) list on separate page.

"Mix of fuels" - By percentage of fuels, list major categories of fuels, (oil, gas, coal, nuclear, and propane).

"Mix of sales" - By percentage of sales, list major classes of customers.

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"Percentage of construction financed internally" - (Net income less preferred dividends and common dividends plus depreciation plus deferred taxes and investment tax credits (net) less AFUDC, IDC) divided by (gross construction expenditures less AFUDC, IDC, reused material and leases).

"Pre-tax interest coverage" - (Income available for interest charges plus federal income tax expense) divided by (interest charges).

"Return on average common stock equity" - (Earnings available for common shares) divided by (average common stock equity).

"Return on average total capital" - (Income available for fixed charges) divided by (average total capitalization including short-term debt).

(Source: Added at Ill. Reg. , effective)

Section 285.4005 Schedule D-2 Cost of Short-Term Debt

a) The cost of any short-term debt is to be provided on Schedule D-2.

b) Data to be covered includes:

- 1) Line number;
- 2) Lenders;
- 3) Amount outstanding;
- 4) Interest rate;
- 5) Interest requirement;
- 6) Cost of short-term debt;
- 7) Item (5) divided by (3), only if the utility proposes to include short-term debt in its capital structure.

(Source: Added at Ill. Reg. , effective)

Section 285.4010 Schedule D-3 Embedded Cost of Long-Term Debt, including Notes

a) The embedded cost of any long-term debt, including any notes, is to be provided on Schedule D-3.

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b) Data to be covered includes:

- 1) Line number;
- 2) Debt issue type, coupon rate;
- 3) Date issued (month, day, year);
- 4) Maturity date (month, day, year);
- 5) Principal amount;
- 6) Face amount outstanding;
- 7) Unamortized discount or premium;
- 8) Unamortized debt expense;
- 9) Carrying value;
- 10) Annual amortization of discount or premium;
- 11) Annual interest expense;
- 12) Embedded cost of long-term debt.

(Source: Added at Ill. Reg. , effective)

Section 285.4015 Schedule D-4 Embedded Cost of Preferred Stock

a) The embedded cost of any preferred stock is to be provided on Schedule D-4.

b) Data to be covered includes:

- 1) Line number;
- 2) Dividend rate, type, par value;
- 3) Date issued;
- 4) Dollar amounts outstanding on par value;
- 5) Premium or discount;
- 6) Issue expense (dollar amount);
- 7) Net proceeds;
- 8) Annual dividends (dollar amount);
- 9) Embedded cost of preferred stock.

(Source: Added at Ill. Reg. , effective)

Section 285.4020 Schedule D-5 Comparative Financial Data

a) Provide a comparison of financial data for the Test Year and the ten most recent calendar or fiscal years as illustrated in Schedule D-5, on a total company and jurisdictional basis.

b) Data to be covered includes:

- 1) Plant Data:

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- A) Original plant in service by functional classification (year end) (less depreciation);
- B) Current value (less depreciation);
- C) Construction work in progress by functional classification with AFUDC, IDC separately listed (year end);
- D) Percentage of construction financed internally.

2) Capital Structure: (Percent based upon year end accounts)

- A) Short-term debt;
- B) Long-term debt;
- C) Preferred stock;
- D) Common stock.
- E) Investment Tax Credits.

3) Condensed Income Statement Data:

- A) Operating revenues;
- B) Operating expenses (excluding Federal income tax);
- C) Federal income tax (current);
- D) Federal income tax and investment tax credits (deferred) (net);
- E) Operating income;
- F) AFUDC, IDC (See Section 9-214 of the Act);
- G) Other income (net);
- H) Interest charges;
- I) Net income;
- J) Preferred dividends;
- K) Earnings available for common equity;
- L) AFUDC, IDC - % of net income;
- M) AFUDC, IDC - % of earnings available for common equity;
- N) Return on net original cost rate base (year end) (If combination company, e.g., gas and electric, also show computation for each operation);
- O) Return on net fair value rate base (year end), if available (If combination company, e.g., gas and electric, also show computation for each operation).

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4) Costs of Capital:

- A) Cost of short-term debt;
B) Embedded cost of long-term debt;
C) Embedded cost of preferred stock.

5) Fixed Charge Coverage:

- A) Pre-tax interest coverage;
B) Pre-tax interest coverage (excluding AFUDC, IDC);
C) After-tax interest coverage;
D) After-tax interest coverage (excluding AFUDC, IDC);
E) Coverage for SEC filings;
F) Indenture provision coverage;
G) After-tax fixed charge coverage.
(If combination company, e.g. gas and electric, also show computation for each operation for subsections (A) through (G) above.)

6) Stock and Bond Ratings:

- A) Moody's bond rating;
B) Standard and Poor's (S&P) bond rating;
C) Moody's preferred stock rating;
D) S&P preferred stock rating.

7) Common Stock Related Data:

- A) Shares outstanding (year end);
B) Shares outstanding - weighted average (monthly);
C) Earnings per share - weighted average;
D) Dividends paid per share;
E) Dividends declared per share;
F) Dividend payout ratio (declared basis);
G) Book value per share (Year end).

8) Other Financial and Operating Data:

- A) Mix of sales (gas and electric);
B) Mix of fuel (gas and electric);
C) Composite depreciation rates by plant category.

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(Source: Added at Ill. Reg. , effective)

Section 285.4025 Schedule D-6 Source and Application of Funds
Provide information as normally provided by the company concerning the source and application of funds in Schedule D-6.

SUBPART J: RATES AND TARIFFS

Section 285.5000 Schedule E-1 Copy of Proposed Tariff Schedules
Provide one copy of all current tariff schedules for which changes are proposed. Identify each page with "Schedule E-1, page of " in the upper right hand corner.

(Source: Added at Ill. Reg. , effective)

Section 285.5005 Schedule E-2 Scored Copy of Proposed Tariff Schedules

Provide one copy of all proposed tariff schedules which have all proposed changes underscored. Use an appropriate method for identification of changes, such as designating the deletion of words, phrases, sentences and paragraphs from current tariff schedules with an asterisk (*) at the location of the deletion. Designate in the margin the type of proposed change or deletion by using the following designations:

- a) (C) - to signify changed regulations;
b) (I) - to signify increased rates;
c) (N) - to signify new rate or regulation;
d) (R) - to signify reduced rate;
e) (T) - to signify a change in text, but no change in rate or regulation.

(Source: Added at Ill. Reg. , effective)

Section 285.5010 Schedule E-3 Narrative Rationale for Tariff Changes

Provide the rationale, on Schedule E-3, underlying the proposed changes to the tariff. Changes common to multiple rate forms need be discussed only once (e.g., minimum bill charges have been increased about 10% on all rates because). Provide a specific source of data or narrative supporting each rationale for change. The source of data need not be submitted with the filing but must be available to the Staff. If explanation is part of testimony, then it need not be duplicated

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in the schedules. Reference the appropriate current or proposed rate schedules to which the rationale is applicable. Use the proper schedule and page number.

(Source: Added at Ill. Reg. , effective)

Section 285.5015 Schedule E-4 Jurisdictional Operating Revenue

- a) The Revenue Summary portion of the Rates and Tariffs Standard Filing Requirements (Schedule E-4) varies by the type of utility and Test Year chosen by the utility. Three E-4 Schedules are included.
- b) One set is applicable to the electric and gas utilities, one set to the water and sewer utilities, and one set to telecommunication carriers.
- c) Schedule E-4 concerns only jurisdictional revenue.
- d) Schedule E-4 consists of three parts; Historical, Current, and Future.
 - 1) The Historical section (Section A) reports revenue for the selected historical year as shown by the books and records of the utility, pro forma at present rates and pro forma at proposed rates. Present rates are those rates in effect on the date of filing the proposed rates.
 - 2) The Current section (Section B) reports calculated revenue for present rates and proposed rates on pro forma sales. Pro forma sales are sales estimated to occur. Current year sales are annualized for changes that occurred during the historic year or are expected to occur in the current year.
 - 3) The Future section (Section C) reports projected revenue for current rates and proposed rates on the projected annual sales for the Future Test Year. Only utilities selecting a Future Test Year need to complete Section C.
- e) Schedule E-4. Electric and Gas Utilities
 - 1) "Revenue" is to be reported by rate classifications which make up the total revenue for each designated

rate in combination with its accompanying rider(s) to the rate, if any.

- 2) All rate schedules are to be reported, whether changed or not, so that total revenue from the tariff schedule will be reported. Components consist of:

- A) basic rate charges,
- B) purchased gas adjustment charges or fuel adjustment charges,
- C) add-on tax charges to recover governmental tax assessments on gross revenue, except municipal tax (unless it applies uniformly to the whole service area), and
- D) any other add-on charges not covered otherwise, all as in effect at the date of filing.
- 3) Do not include "forfeited discounts".
- 4) Municipal tax should be included in "Other" unless it applies to the utility's total service area. A footnote should indicate where the municipal tax revenue is reported.
- 5) "Average Number of Customers" is the total number of bills in the Test Year divided by the number of billing periods.
- f) Schedule E-4. Water and Sewer Utilities

Water and sewer utilities shall follow the instructions set forth in subsection (e) to the extent that the instructions are appropriate.
- g) Schedule E-4. Telecommunications Carriers
 - 1) Rate elements proposed to be changed. Schedule E-4 for telecommunications carriers provides for the reporting of revenue and sales data by category and on a per rate element within the category. Provide the tariff sheet number reference for each rate

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element that is being changed by the proposed rate filing along with the name of the rate element.

- 2) Rate elements not proposed to be changed. The utility shall summarize revenue from all those rate elements that will remain unchanged from the current rate charges.

- 3) Units in Service. Annual unit revenues for the historic year for the rate elements being changed shall be based on the year-end units in service multiplied by 12. Initial non-recurring charges or other one-time charge revenues shall be based on the historical year occurrences.

- 4) General instructions. Unless otherwise changed by subsection (3), the telecommunications carriers shall follow the instructions set forth in subsection (1) above to the extent that the instructions are appropriate.

(Source: Added at Ill. Reg. , effective)

Section 285.5020 Schedule E-5 Billing Units

- a) The Billing Units portion of the Rates and Tariffs Standard Filing Requirements (Schedule E-5) varies by the type of utility and Test Year chosen by the utility. Three E-5 Schedules are included.

- b) One set is applicable to the electric and gas utilities; one set is applicable to the water and sewer utilities; and one set is applicable to telecommunication carriers.

- c) Schedule E-5 concerns only billing units that give rise to jurisdictional revenues reported in Schedule E-4 (Section 285.5015) and does not require information on corresponding revenues.

- d) Schedule E-5 consists of three parts: Historical, Current, and Future.

- 1) The Historical section (Section A) reports billing units for the selected historical year as actually experienced and as shown by the books and records and each adjustment made by the utility to the

actual units for items such as weather, growth, etc., to arrive at proforma revenues at present and proposed rates for the historical period as set forth in Section 285.5015 (d)(1).

- 2) The Current section (Section B) reports all billing units beginning with those actually experienced in the historical test year and sets forth each adjustment for items such as weather and growth to arrive at pro forma revenues at present and proposed rates on pro forma sales used in Section 285.5015 (d)(2).

- 3) The Future section (Section C) reports all billing units beginning with those actually experienced in the historical test year and sets forth each adjustment for items such as weather and growth to arrive at pro forma revenues at present and proposed rates on pro forma sales used in Section 285.5015 (d)(3).

e) Schedule E-5 Electric and Gas Utilities

- 1) "Billing Units" are to be reported by rate classifications which make up the total revenue for each designated rate in combination with its accompanying rider(s) to the rates, if any.

- 2) "Billing units" for each rate schedule and each rate by block within a schedule are to be reported, whether changed or not. Components consist of:

- A) customer charges (service charges);
- B) minimum bills if applicable;
- C) energy sales units;
- D) demand units;
- E) purchased gas adjustment units or fuel adjustment units;
- F) all other units as necessary that give rise to revenues.

f) Schedule E-5 Water and Sewer Utilities

- Water and sewer utilities shall follow the instructions in subsection (e) to the extent that the instructions are appropriate.

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g) Schedule E-5 Telecommunications Carriers

Telecommunications carriers shall provide rates and usage for all tariffed services.

h) Schedule E-5 All Utilities - Elasticity of Demand Study(ies)

Any utility which prepares an elasticity of demand study to support adjustments to test year billing units shall submit a copy of the study in addition to the other information required by this Section.

(Source: Added at Ill. Reg. , effective)

Section 285.5025 Schedule E-6 Typical Bill Comparisona) There are two schedules labeled E-6. One schedule is applicable to gas, electric, water and sewer utilities, and the other schedule is applicable to telecommunication carriers.

Typical bills by rate schedule and classification. Compute typical bill comparisons for residential customers for the Test year for each rate schedule or combination of rate schedule with its associated rate rider on which such customers are serviced. Rates with different seasonal charges (winter, summer) shall be shown for each season. Rates with demand charges shall be shown for appropriate ranges of demand levels imposed by customers. Unmetered services shall be shown by the sales unit (per lamp, per hydrant) instead of level of usage. The bill comparisons shall demonstrate the full range of percent increases and decreases that are expected to occur by reporting the consumption levels that produce the maximum percent increase and the minimum percent increase or maximum percent decrease, whichever occurs.

c) Calculation of bills. The dollar amounts computed for current bills and proposed bills shall include the charges resulting from the purchased gas adjustment factor, the fuel adjustment factor and the state revenue tax charge that were in effect on the date of filing. Municipal tax charges and franchise fees shall be separately stated.

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d) Bill comparison for telecommunications carriers. Telecommunications carriers shall submit data sought on the appropriate Schedule E-6. Data sought are bill comparisons for typical basic telecommunications service used by the majority of residential and business customers. If the charges are different for the exchange areas served, list the bill comparisons for typical service in representative rate groups (i.e., rate group with the highest percentage increase/decrease, rate group with the lowest percentage increase/decrease, and a rate group containing the largest number of exchanges).

(Source: Added at Ill. Reg. , effective)

Section 285.EXHIBIT A Revenue and Financial Summaries (Repealed)Schedule

A-1 Comparison of Present and Proposed Rates Jurisdictional Pro Forma (Non-Telephone)
A-2 Comparison of Present and Proposed Rates Telephone
A-3 Overall Financial Summary

Exhibit A includes three (3) schedules. Schedules A-1 and A-2 are to summarize the revenue by rate classification or revenue classification. Information to be reported is taken from the Exhibit B schedules or the books and records of the utility. Schedule A-3 reports the calculated increase in revenue requirements for the Test year for jurisdictional sales.

Schedule A-1 is to be used by non-utilities. Data shall be provided by effective rate classification and shall show for the Test year only the average number of customers, number of units sold, revenue at present rates, revenue at proposed rates, difference in revenue and percent change. If the Test year is other than the historical year, then the schedule shall also show the average number of customers, units sold and revenue for the historical year.

Schedule A-2 is to be used by telephone utilities. Data to be reported covers:

- 1) each accounting revenue classification;
- 2) historical revenues, revenue at present and proposed rates, difference in revenues in dollars and percentage change for Test year.

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Schedule A-3 includes for the past year the elements of rate base and reports the increase in revenue requirements requested by the utility. Data to be reported covers:

- 1+ fair value rate base;
- 2+ original cost rate base;
- 3+ current value;
- 4+ operating income;
- 5+ earned or projected rate of return for fair value rate base and original cost rate base;
- 6+ cost of capital;
- 7+ proposed operating income;
- 8+ income deficiency;
- 9+ gross revenue conversion factor (before add-on charges for revenue taxes);
- 10+ revenue increase requested;
- 11+ revenue increase including add-on revenue taxes.

(Source: Repealed at Ill. Reg. , effective)

Section 285. EXHIBIT B Rate Base (Repealed)

- B-1 Jurisdictional Rate Base Summary
- B-2 Plant in Service by Major Property Grouping or Major Account (Original Cost)
- B-2-1 Proposed Adjustment to Plant in Service (Original Cost)
- B-2-2 Gross Additions, Retirements and Transfers (Original Cost)
- B-2-3 Property Merged or Acquired from Other Utilities
- B-2-4 Leased Property
- B-2-5 Property Held for Future Use Included in Rate Base
- B-2-6 Property Excluded from Rate Base
- B-3 Depreciation Reserve
- B-3-1 Adjustments to Depreciation Reserve
- B-3-2 Depreciation Accrual Rates by Accounts, Functions or Classifications
- B-4 Construction Work in Progress
- B-4-1 Construction Work in Progress - Percent Complete
- B-5 Allowance for Working Capital
- B-5-1 Balance Sheet Analysis
- B-6 Jurisdictional Allocation Factors
- B-6-1 Jurisdictional Allocation Statistics - Rate Base
- B-6-2 Explanation of Change in Allocation Procedures - Rate Base
- B-7 Comparative Balance Sheets for Most Recent Five Years or Calendar Years

- B-8 Jurisdictional Current Value Rate Base Summary
- B-8-1 Current Value Plant in Service by Major Property Grouping or Major Account
- B-8-2 Proposed Adjustments to Current Value Plant in Service
- B-8-3 Current Value Depreciation Reserve
- B-8-4 Adjustments to Current Value Depreciation Reserve

RATE BASE INSTRUCTIONS

1+0 GENERAL

1+1 Property Classification

The schedules included in Exhibit B - "Rate Base" are designed to be applicable to more than one type of utility. All utilities must comply with the Uniform System of Accounts approved by the Commission (General Orders 1797, 1807, 183 and 1997 to be codified as 83 Ill. Adm. Code 5057, 4157, 605 and 7107).

Jurisdictional Allocation

A not make any non-jurisdictional allocations where total utility non-jurisdictional revenues for which rate relief is requested for the type of service are equal to or less than 5% of total company utility revenues.

2+0 PLANT IN SERVICE SCHEDULES

Schedule B-1- Jurisdictional Rate Base Summary

Summary rate base information should be presented in Schedule B-1. The information requested on Schedule B-1 is supported by the schedules which follow: Plant in Service information is supported by Schedule B-2; Depreciation Reserve is supported by Schedule B-3; Construction Work in Progress is supported by Schedule B-4; Allowance for Working Capital is supported by Schedule B-5; Jurisdictional Allocation Factors are supported by Schedule B-6; and Historical Rate Base data is supported by Schedule B-7. Rate value is supported by Schedules B-8 to B-8-4.

Data to be covered includes:

- 1+ Gross Utility Plant in Service at Original Cost;
- 2+ Base Reserve for Accumulated Depreciation.

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- 3) Net Utility Plant in Service (1) - (2)++
- 4) Plus Working Capital Allowance
- 5) Plus Construction Work in Progress included in Rate Base
- 6) Less Contribution in Aid of Construction
- 7) Less Other Items (specify) Customer Advances
Deferred Income Tax
- 8) Adjusted Rate Base (Original Cost)++
- 9) Adjustment for Fair Value at Original Cost (in dollars)++ Weight (in percentage)++ Current Value (in dollars)++ and Weight (in percentage)++
- 10) Fair Value Rate Base

Other items should be supported by schedules of the company's own design. Schedules should contain a description of items, dollars involved by account, and reason for additions or deletions to the rate base.

Schedule B-2: Plant in Service by Major Property Grouping or Major Account (Original Cost)

Provide in Schedule B-2 a breakdown of the dollars of Plant in Service by each major property grouping functional class or account number.

Data to be covered includes:

- 1) Line number
- 2) Account number (if applicable)++
- 3) Account description or property grouping (whichever is applicable)++
- 4) Total Company
- 5) Allocated Percentage
- 6) Allocated total
- 7) Adjustment amount
- 8) Adjusted functional amount

Schedule B-2-1: Proposed Adjustments to Plant in Service (Original Cost)

For the Test Year, provide each adjustment made to Plant in Service on Schedule B-2 and fully explain in Schedule B-2-1.

Data to be covered includes:

- 1) Line number
- 2) Account number (if applicable)++
- 3) Account or major property group description
- 4) Amount by Total Company
- 5) Adjustment
- 6) Description and Purpose of Adjustment

Schedule B-2-2: Gross Additions, Retirements and Transfers (Original Cost)

For the Test Year, provide for each major functional plant property group or account the plant beginning and ending balance, gross additions, retirements and transfers for the company occurring in the Test Year. If in a particular account, transfers are a normal course of event, only a general description (under the column "Explanation of transfers") of the nature of the transfers is required.

Schedule B-2-3: Property Merged or Acquired from Other Utilities

Provide a list of all plant property over \$100,000 either merged or acquired from other utilities in the last three (3) years. Explain how the property was entered into plant property records (e.g., entered as original cost, purchase price in year of purchase, original cost less accrued book depreciation in year of purchase, etc.). Also describe the accounting treatment of any acquisition adjustments.

Data to be covered includes:

- 1) Line number
- 2) Account number, group or function
- 3) Description of property
- 4) Acquisition Cost
- 5) Cost Basis
- 6) Acquisition Adjustment
- 7) Commission Approval Date (see item number)++
- 8) Date of Acquisition
- 9) Explanation of property accounting treatment

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Schedule B-2-4- Leased Property Included in Rate Base

Provide a list of all properties leased to the utility as lessor and improvements to leased properties together with annual lease payments. Data covered includes all properties leased with lease payments over \$100,000 which are capitalized.

Data to be covered includes:

- 1) Identification of reference number.
- 2) Description of type and use of property.
- 3) Name of lessor.
- 4) Frequency of payments.
- 5) Amount of lease payment.
- 6) Dollar value (or estimate) of property involved.

Schedule B-2-5- Property Held for Future Use Included in Rate Base

Prepare a list of all property held for future use included in rate base. Plant held for future use should not be included in any plant in Service amounts on Schedules B-17 B-27 and B-27-1.

Data to be covered includes:

- 1) Line number.
- 2) Description and location of property.
- 3) Date of Acquisition.
- 4) Original Cost.
- 5) Accumulated Depreciation.
- 6) Net Original Cost ((4) - (5)).

For Revenue realized, include:

- 1) Amount.
- 2) Account number.
- 3) Description.

For Expenses incurred, include:

- 1) Amount.
- 2) Account number.
- 3) Description.

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Also include expected in-service date and expected use of property. Only amounts exceeding \$100,000 need be separately listed. For items under \$100,000 aggregate in one line.

Schedule B-2-6- Property Excluded from Rate Base

For the service or area where rate relief is requested, provide a list of all utility-owned property associated with the service or area excluded from the rate base for reasons other than jurisdictional allocation.

Data to be covered includes:

- 1) Line number.
- 2) Account number, group or function.
- 3) Description of property.
- 4) Acquisition Cost.
- 5) Original Cost.
- 6) Accumulated Depreciation.
- 7) Depreciated Original Cost.
- 8) Reasons for exclusion.

Only items over \$100,000 need be separately listed. Items under \$100,000 may be aggregated in one line item. Construction Work in Progress should not be shown on schedule.

3-0 DEPRECIATION

Schedule B-3- Depreciation Reserve

List depreciation reserve by major property grouping, functional class or account numbers. If depreciation reserves are not kept by major property groupings but are kept in total, only the totals should be given. In the case of telephone water and sewer companies only totals in Schedule B-3 are required.

Data to be covered includes:

- 1) Line number.
- 2) Functional class, Major property group or Account number.
- 3) Total company.
- 4) Allocated percentage.

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- 5) Allocated total;
- 6) Adjustment amount;
- 7) Adjusted jurisdictional amount.

Schedule B-3-1- (b) Proposed Adjustments to Depreciation Reserve

For the next year, provide the information indicated in Schedule B-3-1 for all proposed adjustments to depreciation reserve made in Schedule B-3.

Data to be covered includes:

- 1) Line number;
- 2) Adjustment factor;
- 3) Total company amount and allocated amount;
- 4) Description and purposes of adjustment.

Schedule B-3-2- Depreciation Accrual Rates by Accounts Functional Class or Major Property Group

For the next year, the utility should use whatever rate base data is selected. For accrual rates, whatever rate was or will be used in the annual report (p. 425 for electric and telephone p. 532 for gas) should be used in this schedule.

Data to be covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description;
- 4) Plant investment in jurisdiction;
- 5) Current accrual rate in percentage;
- 6) Calculated depreciation expense;
- 7) Percentage net salvage;
- 8) Average service life;
- 9) Curve form.

4-0 CONSTRUCTION WORK IN PROGRESS

Schedule B-4- Construction Work in Progress

Construction work in progress should be consistent with the definition given in the Uniform System of Accounts. Provide a list of all construction projects over 5% of

the total CWIP balance for the period reported for the utility service for which rate relief is requested.

Data to be covered includes:

- 1) Line number;
- 2) Project number;
- 3) Description of project;
- 4) Direct costs -- construction dollars;
- 5) Indirect costs: APUDC Capitalized;
- 6) Indirect costs: other;
- 7) Total cost;
- 8) Allocation percentage;
- 9) Total jurisdictional cost;
- 10) Estimated percent completion.

Schedule B-4-1- (b) Construction Work in Progress Percent Complete

Provide a list of construction projects in progress which are included in Schedule B-4.

Data to be covered includes:

- 1) Line number;
- 2) Project number;
- 3) Description of project;
- 4) Date project started;
- 5) Most recent estimated project completion date;
- 6) Original budget estimate;
- 7) Most recent revised estimate;
- 8) Accumulated construction costs;
- 9) Percent complete $\frac{(8)}{(7)} \times 100$.

5-0 WORKING CAPITAL

Schedule B-5- Allowance for Working Capital

Provide a summary schedule showing the calculation of working capital for the period reported. Show each individual component (cash, materials and supplies, etc.) and describe the methodology used to calculate each component. If no claim is being made for working capital, omit Schedule B-5.

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Schedule B-5-1-1 Balance Sheet Analysis

Determine the average (thirteen months) balance for materials and supplies, gas stored underground, fuel, and accrued real estate taxes. Allocate the average balances to the jurisdiction using appropriate allocation factors.

6-0 ALLOCATION FACTORS

Schedule B-6-1 Jurisdictional Allocation Factors

For the Test Year identify by rate base account or component, the factor(s) used in allocating total utility property to the jurisdiction. The allocation factors used should be based on the statistical measures shown in Schedule B-6-1. For example, if it were determined that the account "Office Structures and Improvements" should be allocated to the jurisdiction based on the ratio of jurisdictional sales to total sales, the appropriate jurisdictional sales allocation factor would be developed in Schedule B-6-1 and applied to the Office Structure and Improvements accounts on Schedule B-6-1.

Data to be covered include:

- 1) Line number
- 2) Account number
- 3) Account description
- 4) Allocation factor
- 5) Description of factor and/or method of Allocation

Schedule B-6-1-1 Jurisdictional Allocation Statistics - Rate Base

Provide for the Test Year the statistics used in determining the jurisdictional percentages for each allocation factor to be used on Schedule B-6-1.

Data to be covered include:

- 1) Line number
- 2) Allocation factor
- 3) Statistic total company
- 4) Adjustment to total company statistic

- 5) Adjusted statistic for total company (3) + (4)
- 6) Statistic for service or area
- 7) Allocation factor (6) + (5)

Schedule B-6-2 Explanation of Changes in Allocation Procedures - Rate Base

This schedule should be completed only if the allocation procedures described in the prior schedules are not consistent with the last Commission Order for the company. For each account or component with a change, identify the allocation factor used in the prior Order and the rationale for not using that factor in this application.

7-0 HISTORICAL DATA

Schedule B-7-1 Comparative Balance Sheet for Most Recent Five Fiscal or Calendar Years

Provide for the total company summary balance sheet (net plant classified by major property grouping) if applicable for the most recent five fiscal or calendar years and the test year.

8-0 PAIR VALUE RATE BASE

If a utility elects to submit only an original cost rate base, Schedules B-8-1, B-8-2, B-8-3 and B-8-4 need not be completed and waiver from the Commission on those schedules is not required. Data to be submitted need cover only the test year.

Schedule B-8-1 Jurisdictional Current Value Rate Base Summary

Summary Current Value rate base information should be presented in Schedule B-8-1. The information requested on Schedule B-8-1 is supported by the schedules which follow. Current Value plant in Service information is supported by Schedule B-8-1 to B-8-3. Reserve for Accumulated Depreciation is supported by Schedule B-8-3 and B-8-4. Other items should be supported by schedules of the utility's own design. Schedules should contain a description of items, dollars involved by account and reason for additions or deletions to the Current Value rate base.

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Data to be covered includes:

- 1) Line number;
- 2) Gross utility plant in service Current Value;
- 3) Less reserve for accumulated depreciation;
- 4) Net Current Value of utility plant in service ((2) - (3)).

Schedule B-8-1: Current Value Plant in Service by Major Property Grouping or Major Account

Provide in Schedule B-8-1 a breakdown of the dollars of Current Value Plant in Service by each functional class, account number or major property grouping.

Data to be covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description or property grouping (whichever is applicable);
- 4) Total utility;
- 5) Allocated percentage;
- 6) Allocated total;
- 7) Adjustment amount;
- 8) Adjusted jurisdictional amount.

Schedule B-8-2: Proposed Adjustments to Current Value Plant in Service.

Each adjustment made to Current Value Plant in Service on Schedule B-8-1 should be fully explained in Schedule B-8-2.

Data to be covered includes:

- 1) Line number;
- 2) Account number (if applicable);
- 3) Account description or property grouping;
- 4) Amount by total utility;
- 5) Adjustment;
- 6) Description and purpose of adjustment.

Schedule B-8-3: Depreciation Reserve

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List Year Current Value depreciation reserve by group, functional class or account number. Describe the method used to determine the appropriate depreciation reserve for each account.

Data to be covered includes:

- 1) Line number;
- 2) Account number, group or function;
- 3) Total company;
- 4) Allocated percent;
- 5) Allocated total;
- 6) Adjustment amount;
- 7) Adjusted jurisdiction;
- 8) Method.

Schedule B-8-4: (b) Adjustments to Current Value Depreciation Reserve

For all adjustments to Current Value depreciation reserve made in Schedule B-8-3, provide the information indicated in Schedule B-8-4.

Data to be covered includes:

- 1) Line number;
- 2) Adjustment title;
- 3) Total company amount and allocated amount;
- 4) Description and purposes of adjustment.

(Source: Repealed at Ill. Reg. , effective)

Section 285.EXHIBIT C Operating Income (Repealed)

- G-1 Jurisdictional Operating Income Summary
- G-2 Detailed Jurisdictional Operating Income Statement
- G-3 Summary of Utility Proposed Adjustments
- G-3-1 Detailed Adjustments
- G-4 Summary of Jurisdictional Allocation Factors
- G-4-1 Allocation Statistics
- G-4-2 Explanation of Changes in Allocation Procedures
- G-5 Federal Income Tax
- G-5-1 Investment Tax and Job Development Credits
- G-6 Social and Service Club and Membership Dues
- G-7 Charitable Contributions

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- E-8 Demonstration and Selling, Advertising and Miscellaneous Sales Expense
- E-9 Lobbying and Political Expenses
- E-10 Rate Case Expense
- E-11 Payroll Costs
- E-11-1 Executive Compensation
- E-12 Computation of the Gross Revenue Conversion Factor
- E-13 Comparative Income Statements for the Most Recent Five Fiscal or Calendar Years
- E-14-1(a) Sales Statistics - Total Company (Electric and Gas Utilities) - Revenue
- E-14-2(b) Sales Statistics - Total Company (Electric and Gas Utilities) - Sales Volume
- E-14-3(b) Sales Statistics - Jurisdictional (Electric and Gas Utilities) - Revenue
- E-14-4(b) Sales Statistics - Jurisdictional (Electric and Gas Utilities) - Sales Volume

OPERATING INCOME INSTRUCTIONS

I-0 GENERAL

I-1 Account Classifications

The schedules included in Exhibit C - Operating Income, do not prescribe specific account classifications in order that the schedules may be applicable to more than one type of utility.

Jurisdictional Allocation

A utility need not make any non-jurisdictional allocations where total utility non-jurisdictional revenues for which rate relief is requested for the type of service are equal to or less than 5% of total company utility revenues.

2-0 OPERATING INCOME SCHEDULES

Schedule C-1: Jurisdictional Operating Income Summary

For the Test Year, provide the jurisdictional operating income statement by major category for the jurisdiction for which a rate increase is requested, both at the present rates and at the proposed rates.

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Data to be covered includes:

- 1) Line number;
- 2) Description (Operating Revenue, Operating Expenses, Operation & Maintenance, Depreciation, Taxes, Federal Income Taxes, State Income Taxes, Total Operating Expenses, Income Available for Fixed Charges, Rate Base, Rate of Return);
- 3) Present Rates;
- 4) Test Year Proposed Increase;
- 5) Test Year Proposed Rates;
- 6) Historical Year at Present and Proposed Rates.

Schedule C-2: Detailed Jurisdictional Operating Income Statement

Provide a detailed operating income statement by major account function or group classification.

Data to be covered includes:

- 1) Line number;
- 2) Major Account Function or Group Classification;
- 3) Description;
- 4) Total Company;
- 5) Jurisdictional before adjustment;
- 6) Composite Allocation percentage;
- 7) Adjustment;
- 8) Jurisdictional Amount Adjusted.

3-0 PROPOSED ADJUSTMENTS TO UTILITY OPERATING INCOME

Schedule C-3: Summary of Utility Proposed Adjustments

Summarize each adjustment to total operating income in Schedule C-3 showing for each adjustment the impact upon the elements of operating income. Each adjustment should be referenced by title of adjustment to the appropriate supporting schedules.

Schedules C-3-1, 2, 3, etc. Detailed Adjustments

Provide for each proposed adjustment included on Schedule C-3 a separate schedule showing:

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- 1) The title of adjustment and reference to operating income; Schedule G-2;
- 2) Purpose and description of the adjustment;
- 3) Reference to company supporting work paper;
- 4) Summary calculations supporting the adjustment by jurisdictional amount.

4-0 ALLOCATION FACTORS

Schedule G-4-1. Summary of Jurisdictional Allocation Factors

For the Year, identify by operating income element the factor(s) used in allocating total utility operating revenues, expenses and income by account, function or group classification to the jurisdiction on Schedule G-4.

Schedule G-4-1-1 Allocation Statistics

Provide for each allocation factor the statistics used in determining the jurisdictional percentage.

Data to be covered includes:

- 1) Line number;
- 2) Allocation factors;
- 3) Statistic total company;
- 4) Adjustment to total company statistic;
- 5) Adjusted statistic for total company;
- 6) Statistic for rate area;
- 7) Allocation factor.

Schedule G-4-2. Explanation of Changes in Allocation Procedures

This schedule should be completed only if the allocation procedure described in the prior schedule are not consistent with the last Commission order for the company. For each account, function or group classification with a change, identify the allocation factor used in the prior order and rationale for not using that factor in this application.

5-0 ACCOUNT ANALYSIS

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For current Year and future Year general categories may be listed and amounts aggregated with reasonable detail.

Schedule G-5-1 Income Tax

For the Year, provide a calculation of federal and state income tax expense including a reconciliation of book to taxable income pursuant to the Commission's Forms 21 and 23. If the taxes included in Year operating income were not calculated in a manner consistent with Schedule G-5-1, provide an additional schedule showing the methodology used.

Schedule G-5-1-1 Investment Tax and Job Development Credits

For the Year, provide in Schedule G-5-1 a schedule of additions to and amortization of unamortized investment tax credits and job development credits.

Schedule G-6 and G-7 Social and Service Club Membership Dues and Charitable Contributions

Provide a detailed schedule listing the payer, the amount, the description, and the account(s) charged for each of the following:

- 1) Social and Service Club Membership Dues; Schedule G-6;
- 2) Charitable Contributions; Schedule G-7;
- 3) Items under \$100 each may be provided in total;
- 4) Non-claimed expenses in the aggregate.

Schedule G-8 Demonstration and Selling Advertising and Miscellaneous Sales Expenses

Provide on Schedule G-8, in accordance with the Uniform System of Accounts for each telephone utility with appropriate functions, the total amount, description, and accounts. For electric and gas utilities, provide information according to the principles in the Commission's Order in Docket 79-0716 (33 Ill. Adm. Code 295).

Schedule G-9 Civil Political and Related Activities

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list all expenditures for the purpose of influencing public opinion with respect to the election or appointment of public officers, referendum legislation or ordinances together with respect to the possible adoption of new referendum legislation or ordinances or repeal or modification of existing referendum legislation or ordinances or approval, modification or revocation of franchises or for the purpose of influencing the decisions of public officers but do not include such expenditures which are directly related to appearances before regulatory or other governmental bodies in connection with the reporting utility's existing or proposed operations.

Schedule G-10: Rate Case Expense

Provide an analysis of rate case expenses and rate case amortization for the Test Year as specified in Schedule G-10. The prior case used for comparison purposes should be the most recent case. Any significant changes may be footnoted by the utility.

Schedules G-11 and G-11-1: Payroll Costs

Provide a schedule showing the distribution of the Test Year direct payroll costs by account classification, major property grouping and functional classification for the total utility in Schedule G-11. Provide executive compensation as requested on Schedule G-11-1. Information to be included is:

- (a) total remuneration paid and accrued for the five highest paid officers whose total remuneration exceeds \$507,000 annually, and
- (b) amount of remuneration paid to all officers as a gross amount stating the number of officers whose remuneration is included in that amount.

6-0 REVENUE CONVERSION FACTOR

Schedule G-12: Computation of Gross Revenue Conversion Factor

Provide a detailed calculation of the gross revenue conversion factor used in Schedule A-3. Calculation should be based on actual applicable tax rates.

7-0 HISTORICAL DATA

Schedule G-13: Comparative Income Statements for the Most Recent Five Fiscal or Calendar Years

Data to be covered includes:

- 1) Line number;
- 2) Description;
- 3) Income for the most recent five fiscal or calendar years.

Schedules G-14-1(b), G-14-2(b), G-14-3(b) and G-14-4(b): Sales Statistics

Provide for the total company the sales statistics specified on Schedules G-14-1 and G-14-2. Provide for the jurisdictional area the same statistics in Schedules G-14-3 and G-14-4. Information provided should be for the most recent five historical and three projected fiscal or calendar years.

(Source: Repealed at Ill. Reg. , effective)

Section 285. EXHIBIT D Rate of Return (Repealed)

- D-1 Cost of Capital Summary
- D-2 Cost of Short-Term Debt
- D-3 Embedded Cost of Long-Term Debt
- D-4 Embedded Cost of Preferred Stock
- D-5 Comparative Financial Data
- D-6 Source and Application of Funds

RATE OF RETURN INSTRUCTIONS

1-0 RATE OF RETURN AND COST OF CAPITAL

Schedule D-1: Cost of Capital Summary

Provide for total company or jurisdictional basis a cost of capital summary schedule showing the calculation of the weighted average cost of capital. The utility may show any class of capital desired for all classes shown; however, the amount percentage of total percentage cost and weighted cost should be provided. If the cost of capital shown on Schedule D-1 is not the

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same as that shown on Schedule A-3; line 6; provide explanation of difference

Schedules B-2; B-3 and B-4; Debt and Preferred Stock

Provide supporting schedules for the following:

Schedule D-2; Cost of Short-Term Debt; if any.

If a utility does not propose to include Short-Term Debt in its capital structure, the calculation at the bottom of Schedule D-2 need not be computed.

Data to be covered includes:

- 1) Line number;
- 2) Issuer;
- 3) Amount Outstanding;
- 4) Interest Rate;
- 5) Interest Requirement;
- 6) Cost of Short-Term Debt.

Schedule D-3; Embedded Cost of Long-Term Debt; if any; including Notes; if any.

Data to be covered includes:

- 1) Line number;
- 2) Debt issue type; Coupon Rate;
- 3) Date issued (Month, Day, Year);
- 4) Maturity Date (Month, Day, Year);
- 5) Principal Amount;
- 6) Face Amount Outstanding;
- 7) Unamortized Discount or Premium;
- 8) Unamortized Debt Expense;
- 9) Carrying Value;
- 10) Annual Interest Cost;
- 11) Embedded Cost of Long-Term Debt.

Schedule D-4; Embedded Cost of Preferred Stock; if any.

Cost is computed by dividing dividends by net proceeds from sale of each Preferred Stock issue.

Data to be covered includes:

- 1) Line number;
- 2) Dividend Rate; Type; Par Value;
- 3) Date issued;
- 4) Dollar Amount Outstanding on Par Value;
- 5) Premium or Discount;
- 6) Issue Expense (if any);
- 7) Net Proceeds;
- 8) Annual Dividends (if any);
- 9) Embedded Cost of Preferred Stock.

Schedule D-5; Comparative Financial Data

Provide a comparison of financial data for the test year and the ten most recent calendar or fiscal years as illustrated in Schedule D-5; on a total company or jurisdictional basis.

Data to be covered includes:

1) Plant Data:

- a) Original Plant in Service by functional classification (year end) (less depreciation);
- b) Current Value (less depreciation) if available;
- c) Construction Work in Progress by functional classification (year end);
- d) Percentage of Construction Financed Internally.

2) Capital Structure: (Percent based upon year end accounts)

- a) Short-Term Debt;
- b) Long-Term Debt;
- c) Preferred Stock;
- d) Common Stock.

3) Condensed Income Statement Data:

- a) Operating Revenues;
- b) Operating Expenses (excluding P.T.T.);
- c) Federal Income Tax (current);
- d) Federal Income Tax and Investment Tax Credits (deferred) (net);
- e) Operating Income.

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- 1) APUDC
 2) Other income (net)
 3) Interest Charges
 4) Net income
 5) Preferred Dividends
 6) Earnings Available for Common Equity
 7) APUDC - % of Net income
 8) APUDC - % of Earnings Available for Common Equity
 9) Return on Net Original Cost Rate Base (year end)
 10) Return on Net Fair Value Rate Base (year end)
 11) if available

4) Costs of Capital:

- a) Cost of Short-Term Debt
 b) Embedded Cost of Long-Term Debt
 c) Embedded Cost of Preferred Stock

5) Fixed Charge Coverage:

- a) Pre-Tax Interest Coverage
 b) Pre-Tax Interest Coverage (excluding APUDC)
 c) After-Tax Interest Coverage
 d) After-Tax Interest Coverage (excluding APUDC)
 e) Coverage for SBC Filings
 f) Indenture Provision Coverage
 g) After-Tax Fixed Charge Coverage

*If combination company e-g-g gas and electric also show computation for each operation.

6) Stock and Bond Ratings:

- a) Moody's Bond Rating
 b) Standard and Poor's (S&P) Bond Rating
 c) Moody's Preferred Stock Rating
 d) S&P Preferred Stock Rating

7) Common Stock Related Data:

- a) Shares Outstanding (year end)
 b) Shares Outstanding - Weighted Average (monthly)
 c) Earnings per share - Weighted Average

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- d) Dividends paid per share
 e) Dividend declared per share
 f) Dividend payout ratio (declared basis)
 g) Market price - High (low) - 1st quarter
 2nd quarter
 3rd quarter
 4th quarter
 h) Book value per share (year end)
 i) Other Financial and Operating Data:
 a) Mix of Sales (gas and electric)
 b) Mix of Fuel (gas and electric)
 c) Composite Depreciation Rates

Schedule B-6 Source and Application of Funds

Provide information as normally provided by the company:

2-0 DEFINITIONS

- 1) "Percentage of construction financed internally" - (Net income less preferred dividends and common dividends plus depreciation plus deferred taxes and investment tax credits (net) less APUDC) divided by (Gross construction expenditures less APUDC)
 2) "Pre-Tax interest coverage" - (income available for interest charges plus federal income tax expense) divided by (interest charges)
 3) "Indenture provision coverage" - Company should provide this definition and also the minimum coverage required if other restrictions are contained in indenture (e-g-g capitalization ratio test) list on separate page
 4) "After-Tax fixed charge coverage" - (income available for fixed charges) divided by (interest charges plus preferred dividends)
 5) "Book value per share" - Year-end common stock equity divided by number of common shares outstanding at year end

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6) "Return on average total capital" - (income available for fixed charges) divided by (average total capitalization including Short-Term Debt).

7) "Return on average common stock equity" - (Earnings available for common shares) divided by (average common stock equity).

8) "Mix of Sales" - By percentage of sales for major classes of customers.

9) "Mix of Fuels" - By percentage of fuel for major categories of fuels (oil, gas, coal, nuclear, propane, etc.).

(Source: Repealed at Ill. Reg. , effective)

Section 285. EXHIBIT E Rates and Tariffs (Repealed)

B-1 Copy of Proposed Rate Schedules

B-2 Scored Copy of Proposed Rate Schedules

B-3 Narrative Rationale for Tariff Changes

B-4 Jurisdictional Operating Revenue

B-5 Typical Bill Comparison

RATES AND TARIFFS INSTRUCTIONS

1-0 PRESENT AND PROPOSED RATE SCHEDULES

Schedule B-1: Copy of Proposed Tariff Schedule

Provide one copy of all current tariff schedules for which changes are proposed. Identify each page with Schedule B-1, page ____ of ____ in the upper right hand corner.

Schedule B-2: Scored Copy of Proposed Tariff Schedule

Provide one copy of all proposed tariff schedules which have all proposed changes underscored. Use an appropriate method for identification of changes such as the following: designate deletion of words, phrases, sentences and paragraphs from current tariff schedules with an (X) at the location of the deletion. Designate in the margin the type of proposed change or deletion by using the following designation:

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- (C) - to signify changed regulations;
- (I) - to signify increased rates;
- (N) - to signify new rate or regulation;
- (R) - to signify reduced rate;
- (U) - to signify a change in text, but no change in rate or regulation.

Schedule B-3: Narrative Rationale for Tariff Changes

Provide the rationale on Schedule B-3 underlying the proposed changes to the tariff. Changes common to multiple rate forms need be discussed only once (e.g., minimum bill charges have been increased about 10% on all rates because ____). Provide a specific source of data or narrative supporting each rationale for change. The source of data need not be submitted with the filing but must be available to the Staff. If explanation to part of testimony, then it need not be duplicated in the schedules. Reference the appropriate current or proposed rate schedules to which the rationale is applicable. Use the proper schedule and page number.

2-0 JURISDICTIONAL REVENUE SUMMARY

The Revenue Summary portion of the Rates and Tariffs Standard Filing Requirements (Schedule B-4) varies by the type of utility and each year chosen by the utility. Three B-4 Schedules are included:

One set is applicable to the electric and gas utilities; one set is applicable to the water and sewer utilities; and one set is applicable to telephone utilities.

Schedule B-4 concerns only jurisdictional revenue.

Schedule B-4 consists of three parts: Historical, Current, and Future.

The Historical section (Section A) reports revenue for the selected historical year as shown by the books and records of the utility, pro forma at present rates and pro forma at proposed rates. Present rate rates are those rates in effect on the date of filing the proposed rates.

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The Current section (Section B) reports calculated revenue for present rates and proposed rates on pro forma sales. Pro forma sales are sales estimated to occur to annualize the current year sales for changes that occurred during the historic year or are expected to occur in the current year.

The Future section (Section G) reports projected revenue for current rates and proposed rates on the projected annual sales for the future test year. Only utilities selecting a future test year need to complete Section G.

Schedule B-4. Electric and Gas Utilities

"Revenue" is to be reported by rate classifications which make up the total revenue for each designated rate in combination with its accompanying rider(s) to the rate, if any. All rate schedules are to be reported, whether changed or not, so that total revenue from the tariff schedule will be reported. Components consist of the rat base rate changes (b) purchased gas adjustment charges or fuel adjustment charges (c) add-on tax charges to recover governmental tax assessments on gross revenue, except municipal tax (unless it applies uniformly to the whole service area), and (d) any other add-on charges not covered otherwise, all as in effect at the date of filing. Do not include "forfeited discounts". Municipal tax should be included in "other" unless it applies to the utility's total service area. A footnote should indicate where the Municipal Tax Revenue is reported.

"Average Number of Customers" is the total number of bills in the test year divided by the number of billing periods.

Schedule B-4. Water and Sewer Utilities

Water and sewer utilities should follow the instructions set forth above to the extent that the instructions are appropriate.

Schedule B-4. Telephone Utilities

1) Rate Elements Proposed to be Changed

Schedule B-4 for telephone utilities provides for the reporting of revenue and sales data by category and on a per rate element within the category. Provide the tariff sheet number reference for each rate element that is being changed by the proposed rate filing along with the name of the rate element.

2) Rate Elements Not Proposed to be Changed

The utility shall summarize revenue from all those rate elements that will remain unchanged from the current rate charges.

3) Midyear Units in Service or Inward Movements

Annual unit sales for the historic year for the rate elements being changed in charge may be based on either the midyear units in service multiplied by 12 or based on monthly average of units in service. Inward movements refers to initial Non-recurring Charge (NRC) or other one-time charges.

4) General Instructions

Unless otherwise changed by paragraph (b), the telephone utilities should follow the instructions set forth in (1) above to the extent that the instructions are appropriate.

3-0 TYPICAL BILL COMPARISON

NOTE: There are two schedules labeled B-5. One schedule is applicable to gas, electric, water and sewer utilities and the other schedule is applicable to telephone utilities.

Schedule B-5. Typical Bills by Rate Schedule and Classification

Compute typical bill comparisons for residential customers for the test year for each rate schedule or combination of rate schedule with its associated rate rider on which such customers are served. Rates with different seasonal charges (winter, summer) shall be shown for

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each category. Rates with demand charges shall be shown for appropriate ranges of demand levels imposed by customer. Unmetered services should be shown by the rate unit (per lamp, per hydrant) instead of level of usage. The bill comparisons shall demonstrate the full range of percent increases and decreases that are expected to occur by reporting the consumption levels that produce the maximum percent increase and the minimum percent increase or maximum percent decrease whichever occurs.

Calculation of the Bills

The dollar amounts computed for Current Bills and Proposed Bills shall include the charges resulting from the purchased gas adjustment factor, the fuel adjustment factor and the state revenue tax charge that were in effect on the date of filing. Municipal tax charge and franchise tax charge should be excluded.

Bill Comparison for Telephone Utilities

Telephone utilities shall submit data sought on the appropriate Schedule B-5. Data sought is bill comparisons for typical basic telephone service used by the majority of residential and business customers. If the charges are different for the exchange areas served, list the bill comparisons for typical service in representative rate groups for every rate group with the highest percentage increase/decrease rate group with the lowest percentage increase/decrease and a rate group containing the largest number of exchanges.

(Source: Repealed at Ill. Reg. , effective)

COMPTROLLER

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Radio and Television Station Grants
- 2) Code Citation: 74 Ill. Adm. Code 280
- 3) Section numbers: Adopted action:
280.20 Amendment
- 4) Statutory authority: Ill. Rev. Stat. 1987, ch. 127, par. 1551.
- 5) A complete description of the subjects and issues involved:
This amendment clarifies the requirement that each eligible station applying for a grant under this section shall have met the minimum grant criteria of the Corporation for Public Broadcasting before so applying for such grant.
- 6) Will this proposed amendment replace any emergency rules currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date: No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable.
- 11) Time, place and manner in which interested persons may comment on this proposed amendment: Interested persons or organizations may submit written comments or requests to comment within 45 days of publication of this notice to:

Kirby Van Zandt
Office of the Comptroller
201 State House
Springfield, Illinois 62706
(217) 782-6000
- 12) Initial regulatory flexibility analysis: This amendment does not affect small businesses.

The full text of the proposed amendment is as follows:

COMPTROLLER

NOTICE OF PROPOSED AMENDMENT

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLERPART 280
PUBLIC RADIO AND TELEVISION STATION GRANTS

Section	Foreword
280.5	Definitions
280.10	Operating Grants
280.15	Applications Content
280.20	Grant Limitations
280.25	Application Times
280.30	Corporation for Public Broadcasting Qualification Criteria for Radio Community Service Grants
Appendix A	Corporation for Public Broadcasting Qualification Criteria for Radio Community Service Grants
Appendix B	Television Community Service Grants

AUTHORITY: Implementing and authorized by "AN ACT to provide for State grants to certain public radio and television stations in the State of Illinois and for related purposes" (Ill. Rev. Stat. 1987, ch. 127, par. 1551 et seq.)

SOURCE: Adopted at 4 Ill. Reg. 37, p. 597, effective August 29, 1980; codified at 5 Ill. Reg. 10598; amended at 10 Ill. Reg. 10115, effective May 28, 1986; amended at 13 Ill. Reg. 4664, effective March 22, 1989, amended at _____ Ill. Reg. _____, effective _____.

Section 280.20 Application Content

Any eligible station seeking a grant pursuant to the Act shall send 3 copies of each of the following documents to:

Public Radio/Television Assistance Grant
Office of the Comptroller
State of Illinois
201 Capitol Building
Springfield, Illinois 62706

a) A Preliminary Certification Statement, indicating that the station has met the minimum grant criteria of the Corporation for Public Broadcasting before applying for a grant under the Act.

b) General Information and Cover Page identifying the name, address, telephone number and call letters of the station and indicating the enclosure of all appropriate schedules and other supporting information.

COMPTROLLER

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c) ~~b~~ A Certification of Grant Request executed in two parts:

1) one by the station manager or chief executive officer which certifies that the applicant

A) has accurately stated actual operating costs which are detailed on schedules B and D of the application, and

B) will abide by the terms and conditions of the grant, including granting access to the station's accounting records to the Comptroller's Office and not using grant funds for the purpose of general institutional overhead or parent organization expenses, which shall be categorized as follows:

- i) long term investments;
- ii) capital improvements;
- iii) land acquisition;
- iv) purchase of buildings;
- v) overhead costs of parent institution.

2) and the second part executed by a certified public accountant which expresses the opinion that the operating costs of the station are accurate and comply with this Part. (Provide as Schedule A)

d) ~~e~~ A detailed statement of the applicant's Actual Operating Costs during the fiscal year preceding the application. (Provide as Schedule B)

e) ~~d~~ A schedule of other Eligible Costs, qualifying as such by reason of this Part, which may arise by allocation to the Station of Eligible Operating costs appearing in the University's financial statement which are attributable to the station. (Provide as Schedule C)

f) ~~e~~ A schedule of Ineligible Costs, qualifying as such by reason of this Part, which may also include costs incurred by the Station which are attributable to the general operation of the University. (Provide as Schedule D)

g) ~~f~~ Such other supporting information as may be requested by the Comptroller.

(Source: Amended at _____ Ill. Reg. _____, effective _____.)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Constitutional Amendments and Statewide Questions of Public Policy
- 2) Code Citation: '26 Ill. Adm. Code 208
- 3) Section Number: Proposed Action:
208.20 New Section
- 4) Statutory Authority: Implementing Article 28 and authorized by Sections 1A-8(9) and 28-5 of the Election Code (Ill.Rev.Stat., 1987, Ch. 46, pars. 28-1; et seq. 1A-8(9), 28-5)
- 5) A Complete Description of the Subjects and Issues Involved:
New Section 208.20 authorizes the State Board of Elections ("Board") to examine and accept or refuse to accept for filing referendum petitions for Constitutional questions under Article XIV, Section 3 of the Constitution of 1970, and statewide advisory questions of public policy. The proposed Section requires the Board to examine such petitions for apparent conformity with the Election Code, which is made applicable to Article 28 of the Election Code by Article 28. The proposed section defines what shall constitute apparent conformity, and further provides that if any petition is rejected for lack of apparent conformity, the proponent of in such petition may appeal the decision, whereupon the Board shall conduct a hearing conforming insofar as is possible to an electoral board hearing under Section 10-8 through 10-10 of the Election Code, except that the Board itself shall be deemed the petitioner.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does the rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendment pending on this Part? No

STATE BOARD OF ELECTIONS

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10) Statement of Statewide Policy Objectives:

Not applicable

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice.

State Board of Elections
A. L. Zimmer, General Counsel
State of Illinois Center
280 West Randolph Street
Suite 14-100
Chicago, IL 60601
(312) 917-6440

or at a Public Hearing to be held on April 26, 1989 at the State Board of Elections' Springfield Office located at 1020 South Spring Street, Springfield, Illinois and on May 15, 1989 at the State of Illinois Center, 100 West Randolph Street, Chicago, Illinois. Please contact the Board's office for verification of hearing time, room and date.

12) Initial Regulatory Flexibility Analysis:

Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 10, 1989.

Types of small business affected: None

Reporting, bookkeeping or other procedures required for compliance: None

Types of professional skills necessary for compliance: Knowledge of election law; applies only to State Board of Elections' members and board employees.

The full text of the Proposed Amendment is as follows:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

Part 208

CONSTITUTIONAL AMENDMENTS AND STATEWIDE
QUESTIONS OF PUBLIC POLICYSection
208.10

Certification by the State Board of Elections of Proposed Amendments to the Illinois Constitution and Statewide Questions of Public Policy

208.20 Inspection of Petition for Apparent Conformity

AUTHORITY: Implementing Article 28 authorized by Sections 1A-8(9), and 28-5 of the Election Code (Ill. Rev. Stat., 1987, ch. 46, and 28-1 et seq. and 1A-8(9)).

SOURCE: 2 Ill.Reg. No. 36, p. 1, effective September 4, 1978; codified at 6 Ill.Reg. 7220; amended 13 Ill.Reg. _____, effective _____.

Section 208.20 Inspection of Petitions for Apparent Conformity

a) All referendum petitions filed with the State Board of Elections shall, within 5 business days of filing, be examined by the Board or its staff to determine whether such petitions are in apparent conformity with the requirements of Article 28 of the Election Code. Such petitions shall be deemed to be in apparent conformity with the requirements of Article 28 if they:

- 1) Include all papers and forms which are required by Article 28 of the Election Code;
- 2) Appear to contain all of the information and statements, sworn and attested to where necessary, as required by Article 28;
- 3) Appear to contain, where required by Article 28 or any other statutes, the requisite number of presumptively valid signatures; and

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4) Appear to contain original petition sheets which are not photocopies or duplicates of any other petition sheets.

b)

If, after an examination of a referendum petition, the State Board of Elections or its staff determines that such petition is not in apparent conformity with the requirements of Article 28 the Board or its staff shall notify the proponent of the petition in writing that such petition is not in apparent conformity with the requirements of Article 28. Such notice shall state the reasons why the petition is not in apparent conformity with the requirements of Article 28, and shall inform the proponent that he or she may appeal the determination of the Board that the petition is not in apparent conformity by submitting a written objection to the determination to the Board at its principal office in Springfield, Illinois not later than the close of the pertinent period for objections to such petitions as is established by statute. Such notice shall be sent by the Board or the staff within 1 business day of completion of the examination, by first class mail, postage paid, addressed to the proponent or affiant whose name is at the bottom of the first petition page.

c)

If the proponent appeals the determination that the petition is not in apparent conformity, the Board shall conduct a hearing to determine the apparent conformity of the petition. Such hearing shall be in a form as close as may be possible to those required under Section 10-8 through 10-10 of the Election Code (Ill.Rev.Stat., 1987, ch. 46, pars. 10-8 - 10-10) except that the Board itself shall be deemed the petitioner, and the notice of lack of apparent conformity sent to the proponent shall constitute the petition of objection.

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- d) If the Board receives an objection to a petition it has decided is not in apparent conformity with Article 28, the Board shall notify the objector that the Board has determined the petition is not in apparent conformity. If an Electoral Board is convened pursuant to Sections 10-8 through 10-10 of the Election Code (Ill.Rev.Stat., 1987, ch. 46, pars. 10-8 - 10-10) the Board may hear its own petition identified in subsection (c) of this part at the same time it sits as the State Electoral Board to hear the objection to the referendum petition.

(Source: Added at 13 ILL.Reg. _____, effective _____.)

1) Heading of Part:

Established Political Party and
Independent Candidate Nominating
Petitions

2) Code Citation:

26 Ill. Adm. Code 201

3) Sections Numbers:

Proposed Action:

201.50

New Section

- 4) Statutory Authority: Implementing Articles 7, 8 and 10 and authorized by Sections 1A-8(9), 7-12.1, 8-9.1 and 10-8 of the Election Code (Ill.Rev.Stat., 1987, Ch. 46, pars. 7-1 et seq., 8-1 et seq., 10-1; et seq. 1A-8(9), 7-12.1, 8-9.1, and 10-8.)

5) A Complete Description of the Subjects and Issues Involved:

New Section 201.50 authorizes the State Board of Elections ("Board") to examine and accept or refuse to accept for filing, nominating petitions of established political parties or of independent candidates. The proposed Section requires the Board to examine such petitions for apparent conformity with the Election Code in accord with Section 10-8 of the Election Code, which is made applicable to Articles 7, 8 and 10 of the Election Code by those Articles. The proposed section defines what shall constitute apparent conformity, and further provides that if any petition is rejected for lack of apparent conformity, the candidate or candidates named in such petition may appeal the decision, whereupon the Board shall conduct a hearing conforming insofar as is possible to an electoral board hearing under Section 10-8 through 10-10 of the Election Code, except that the Board itself shall be deemed the petitioner.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does the rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

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9) Are there any other proposed amendment pending on this Part?
No

10) Statement of Statewide Policy Objectives:

Not applicable

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice.

State Board of Elections
A. L. Zimmer, General Counsel
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or at a Public Hearing to be held on April 26, 1989 at the State Board of Elections' Springfield Office located at 1020 South Spring Street, Springfield, Illinois and on May 15, 1989 at the State of Illinois Center, 100 West Randolph Street, Chicago, Illinois. Please contact the Board's office for verification of hearing time, room and date.

12) Initial Regulatory Flexibility Analysis:

Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 10, 1989

Types of small business affected: None

Reporting, bookkeeping or other procedures required for compliance: None

Types of professional skills necessary for compliance: Knowledge of election law; applies only to State Board of Elections' members and Board Employees.

The full text of the Proposed Amendment is as follows:

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

Part 201

ESTABLISHED POLITICAL PARTY AND INDEPENDENT

CANDIDATE NOMINATING PETITIONS

Section
201.10

Filing Times at the Office of the State Board of Elections

201.20 Determination of Nominating Petition's Official Time of Filing

201.30 Filing Times for Objections and Withdrawals

201.40 Simultaneous Filings for the Same Office --Lottery

201.50 Inspection of Nominating Petitions for Apparent Conformity

AUTHORITY: Implementing Articles 7, 8 and 10 authorized by Sections 1A-8(9), 7-12.1, 8-9.1 and 10-8 of the Election Code (Ill. Rev. Stat, 1987, ch. 46, pars 7-1 et seq. 8-1 et seq. and 10-1 et seq.; 1A-8(9), 7-12.1, 8-9.1, and 10-8.

SOURCE: 2 Ill.Reg. No. 25, p. 70, effective July 3, 1978; amended 5 Ill.Reg. 14140, effective December 4, 1981; codified at 6 Ill. Reg. 7213; amended at 13 Ill.Reg. _____, effective _____.

Section 201.50

Inspection of Nominating Papers for Apparent Conformity

a) All nominating petitions of established parties and independent candidates filed with the State Board of Elections shall, within 5 business days of filing, be examined by the Board or its staff to determine whether such petitions are in apparent conformity with the requirements of Article 7, 8, or 10 of the Election Code. Such petitions shall be deemed to be in apparent conformity with the requirements of these Articles if they:

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- 1) Include all papers and forms which are required by Articles 7, 8 or 10 of the Election Code for the office for which the candidate is seeking nomination or election;
- 2) Appear to contain all of the information and statements, sworn and attested to where necessary, as required by Articles 7, 8 or 10;
- 3) Appear to contain, where required by Articles 7, 8 or 10 or any other statutes, the requisite number of presumptively valid signatures; and
- 4) Appear to contain original petition sheets which are not photocopies or duplicates of any other petition sheets.

- b) If, after an examination of a candidate's nomination petition, the State Board of Elections or its staff determines that such petition is not in apparent conformity with the requirements of Articles 7, 8 or 10 as the case may be, the Board or its staff shall notify the candidate in writing that such petition is not in apparent conformity with the requirements of Articles 7, 8 or 10. Such notice shall state the reasons why the nomination petition is not in apparent conformity with the requirements of Articles 7, 8 or 10, and shall inform the candidate that he or she may appeal the determination of the Board that the petition is not in apparent conformity by submitting a written objection to the determination to the Board at its principal office in Springfield, Illinois not later than the close of the pertinent period for objections to such petitions as is established by statute. Such notice shall be sent by the Board or the staff within 1 business day of completion of the examination, by first class mail, postage paid, addressed to the candidate at the address contained on his or her statement of candidacy.

- c) If the candidate appeals the determination that his or her petitions are not in apparent conformity, the Board shall conduct a hearing to determine the apparent conformity of the nominating petition. Such hearing shall be in a form as close as may be possible to those required under Section 10-8 through 10-10 of the Election Code (Ill.Rev.Stat., 1987, ch. 46, pars. 10-8 - 10-10) except that the Board itself shall be deemed the petitioner, and the notice of lack of apparent conformity sent to the candidate shall constitute the petition of objection.

- d) If the Board receives an objection to a petition it has decided is not in apparent conformity with either Articles 7, 8 or 10, the Board shall notify the objector that the Board has determined the petition is not in apparent conformity. If an Electoral Board is convened pursuant to Sections 10-8 through 10-10 of the Election Code (Ill.Rev.Stat., 1987, ch. 46, pars. 10-8 - 10-10) the Board may hear its own petition identified in subsection (c) of this part at the same time it sits as the State Electoral Board to hear the objection to the nominating petitions.

(Source: Added at 13 Ill.Reg. _____, effective _____)

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1) Heading of Part: Miscellaneous2) Code Citation: 26 Ill. Adm. Code 2073) Sections Numbers: Proposed Action:

207.70	Amendment
207.80	Amendment
207.90	Amendment
207.110	New Section
207. Appendix B	New Section

4) Statutory Authority: Implementing Articles 4, 5, 6 and 24A and authorized by Section 1A-8(9), and 4-8, 5-7, 6-35 and 24A-17 of the Election Code (Ill. Rev. Stat., 1987, Ch. 46, pars. 1A-8(9) 4-8, 5-7, 6-5, 24-1 et seq.; and 24A-17).

5) A Complete Description of the Subjects and Issues Involved:

Sections 207.70, 207.80 and 207.90 are being amended to correct errors that were made when the Sections were originally adopted on October 30, 1987. The Board agreed to make the changes pursuant to comments received by the public and with discussions with JCAR. However, these changes were inadvertently excluded when the text was adopted.

New Section 207.110 requires voter information tapes containing voter registration information to be furnished to the State Board of Elections in the official format described in Appendix B in a timely manner.

It also provides for an enforcement procedure to be used when a jurisdiction fails to comply with the statutory provisions.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does the rulemaking contain an automatic repeal date? No

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8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendment pending on this Part? No

10) Statement of Statewide Policy Objectives:

Proposed Amendments to Section 207.70, 207.80 and 207.90 will not affect units of local government any differently than when the original Sections were adopted.

New Section 207.110 will not create or enlarge a "State Mandate" as defined in Section 3 of the Illinois State Mandates Act (Ill. Rev. Stat., 1987, ch. 85, par. 2203(b)).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to the

State Board of Elections
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or at a Public Hearing to be held on April 26, 1989 at the State Board of Elections' Springfield Office located at 1020 South Spring Street, Springfield, Illinois on May 15, 1989 at the State of Illinois Center, 100 West Randolph Street, Chicago, Illinois. Please contact the Board's office for verification of hearing time, room and date.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 10, 1989.

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- B) Types of small businesses affected: Businesses that design, produce and/or market voting systems and/or voting system components to be used in the State of Illinois.
- C) Reporting, bookkeeping or other procedures required for compliance: The County Clerk will be required to furnish updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information.
- D) Types of professional skills necessary for compliance: Knowledge of election law, electronic voting systems, automatic vote tabulating equipment and data processing.

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

Part 207

MISCELLANEOUS

Section	
207.10	Failure to Nominate Candidate
207.20	Notice of Primary Election -- County of 500,000 or More
207.30	Document Copying Fees
207.40	County Clerk Notifications to State Board of Elections of Certain Filings for Office
207.50	Deputy Registrars; Definition of Bonafide State Civic Organization
207.60	Chad Removal
207.70	Post Tabulation Testing
207.80	Notation of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting Systems
207.90	Reporting of Errors in Vote Tabulation where Electronic Voting Systems are in Use
207.100	Requirements for Operator's Log
207.110	Requirements for Voter Information Tapes
Appendix A	Log for Vote Tabulation
Appendix B	Common Format

AUTHORITY: Implementing Article 24A and authorized by Section 1A-8(9) of the Election Code (Ill. Rev. Stat., 1985, ch. 46, pars. 24-1 et seq. and 1A-8(9)).

SOURCE: Adopted at 2 Ill. Reg. 25, p.70, effective July 3, 1978, codified at 6 Ill. Reg. 7219; amended at 6 Ill. Reg. 8976, effective July 12, 1982; amended at 8 Ill. Reg. 24560, effective December 6, 1984; amended at 11 Ill. Reg. 18660, effective October 30, 1987; amended at 13 Ill. Reg. _____, effective _____.

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Section 207.70 Post Tabulation Testing

- a) The post-tabulation test of electronic voting systems required by Section 24A-9 of the Election Code (Ill.Rev.Stat., 1985, ch. 46, par. 24A-9) shall be performed using the same equipment which was used to perform the actual tabulation of votes. The term "same equipment" means the actual electronic and mechanical mechanisms and the actual disk, diskette, chip, tape, or other medium upon which the tabulation program is written, which were used in the tabulation of votes.
- b) In cases where any component of an electronic voting system has been replaced during tabulation of votes and has been subjected to the tests required by the Election Code when components must be so replaced, the electronic voting system equipment in use for the tabulation of the last ballot tabulated shall be the electronic voting system used for the post tabulation test.
- c) This rule shall not apply to jurisdictions where official tabulation of ballots is performed in the precinct, nor shall it apply for five years from the adoption of this rule to election jurisdictions which employ as of the date of adoption of this rule, and were employing as of January 1, 1983, any electronic voting system which, because of its design, is not technically capable of compliance with subsection (a), of this rule, provided that the five-year exemption provided in this subsection will cease if, within the five-year exemption period, the electronic voting system whose use calls for exemption, ceases to be used by the jurisdiction.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 207.80 Notation of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting Systems

- a) The precinct return produced by an electronic voting system shall report every voted ballot on which the voter has cast a vote for all candidates of one party and no votes for candidates of any other party or for independent candidates as a straight party ticket, and shall report all other voted ballots as split tickets.

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b) ~~---All ballots not voted shall be reported as blank ballots.~~

- b) All ballots not voted shall be counted and reported as blank ballots, provided that jurisdictions which tabulate ballots in the precinct need not report blank ballots on in-precinct reports, but may do so on reports produced by central vote accumulation systems.

- c) For the purpose of subsections (a) and (b) of this Section 207.80 a voted ballot is a ballot card otherwise countable under the Election Code now or as hereafter amended which contains at least one (1) punched voting position.

d) ~~---The precinct return produced by an electronic voting system shall produce a complete report of all overvotes and undervotes.~~

- d) The official precinct return used for certification of election results produced by an electronic voting system shall produce a complete report of all overvotes and undervotes, provided that any other precinct return produced prior to the official precinct return used for certification may, but need not, contain such report of overvotes and undervotes. Jurisdictions which tabulate ballots in the precinct shall report overvotes and undervotes by precinct on reports produced by a central vote accumulation system.

- e) For the purpose of subsection (d) of this Section an undervote occurs each time a voter fails or omits to cast a vote for each candidate or proposition for which he is entitled to cast a vote.

- f) For the purpose of subsection (d) of this Section an overvote occurs each time a voter casts more votes than he is entitled to cast for an office or a proposition.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

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207.90 Reporting of Errors in Vote Tabulation Where Electronic Voting Systems Are In Use.

- a) Each election authority shall verbally and in writing report to the State Board of Elections each instance of apparent failure or malfunction of electronic voting system equipment, either hardware or software, which occurs during any election conducted under the Election Code or during any test of electronic voting systems required by the Election Code.
- b) The verbal report required by subsection (a) of this Section shall be made within 48 96 hours after the failure or error is discovered and shall be made to the senior staff member present at the Division of Voting Systems and Standards at the principal office of the State Board of Elections in Springfield, Illinois or at the permanent branch office of the State Board of Elections in Chicago, Illinois between the hours of 9:00 a.m. and 4:30 p.m.
- c) The written report required by subsection (a) of this Section shall be made to the Director of the Division of Voting Systems and Standards at the permanent office of the State Board of Elections in Springfield, Illinois within 10 days after the discovery of the failure or error by the election authority. The written report may be in letter form and shall be sufficient if it includes
- 1) A one or two sentence description of the failure or error;
 - 2) An identification by make and model number of the equipment or program which failed, if any; and
 - 3) The corrective action taken.
- Additional information concerning the error or failure may be included in the written report by the election authority.
- d) The verbal report required by subsection (a) of this Section will be sufficient if it includes a statement that an error or failure has occurred.

(Source: Amended at 13 Ill. Reg _____, effective _____)

STATE BOARD OF ELECTIONS

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Section 207.110 Requirements for Voter Information Tapes

- a) Updated copies of computer tapes discs or other electronic data processing information containing voter registration information required to be furnished by election authorities to the Illinois State Board of Elections ("Board") by Sections 4-8, 5-7 and 6-35 of the Illinois Election Code (Ill.Rev.Stat., 1987, Ch. 46, pars. 4-8, 5-7 and 6-35) shall be furnished to the State Board in the official format described in Appendix B to this part.
- b) Nothing contained in the official format or in this part shall be construed to:
- 1) require the maintenance of any voter registration data computer tapes, discs, or other electronic data processing equipment by any election authority if the Illinois Election Code does not already so require; or;
 - 2) Require, where an election authority maintains voter registration data computer tapes, discs or other electronic data processing equipment, such election authority to submit any such information except that required to be contained on each voter registration code, exclusive of the signature of the voter.
- c) Tapes required to be submitted under Section 4-8, 5-7 and 6-35 of the Illinois Election Code, shall be submitted to the Board at its principal office in the Springfield, Illinois and shall be addressed to the attention of the Voting Systems Division.
- d) Tapes required to be submitted under Section 4-8, 5-7 and 6-35 of the Illinois Election Code must be submitted to the Board according to the schedule established by those statutes. If timely submission is not made:

- 1) The Board will notify in writing each election authority whose submission has not been received by the Board five (5) business days after the submission is due; and
- 2) The Board will refer to the Attorney General of Illinois for compliance enforcement each election authority whose submission has not been received ten (10) business days after it is due.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Appendix B Common Format

 * COMMON POLL LIST FORMAT *
 * SUBMITTED BY EACH ELECTION JURISDICTION *
 * COMMON/FORMAT ----- 03/01/86 *****

FD VOTER-REGISTRATION-FILE
 RECORD CONTAINS 237 CHARACTERS
 BLOCK CONTAINS 20 RECORDS.

01 VOTER-REGISTRATION-RECORD.

05 VR-COUNTY-COMM-CODE PIC 9(03).
 05 VR-VOTER-ID-CODE PIC 9(08).

05 VR-JURISDICTION-DATA.
 10 VR-CONG-DIST-NUMB PIC 9(02).
 10 VR-LEGIS-DIST-NUMB PIC 9(02).
 10 VR-REPR-DIST-NUMB PIC 9(03).
 10 VR-TOWNSHIP-CODE PIC X(02).
 10 VR-CITY-CODE PIC X(02).
 10 VR-WARD-NUMB PIC 9(02).
 10 VR-PREC-NUMB PIC 9(04).

05 VR-VOTER-DATA.
 10 VR-REGISTRATION-DATE.
 15 VR-REGIS-MONTH PIC 9(02).
 15 VR-REGIS-DAY PIC 9(02).
 15 VR-REGIS-YEAR PIC 9(02).

10 VR-VOTER-NAME.
 15 VR-LAST-NAME PIC X(20).
 15 VR-FIRST-NAME PIC X(15).
 15 VR-MIDDLE-NAME PIC X(15).
 15 VR-NAME-SUFFIX PIC X(03).

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10 VR-VOTER-ADDRESS.

15 VR-ADDRESS-FORMAT-IND PIC X(01).
15 VR-FREE-FORM-STREET PIC X(38).

15 VR-FORMATTED-STREET REDEFINES
VR-FREE-FORM-STREET.

20 VR-HOUSE-NUMBER PIC X(05).
20 VR-HOUSE-FRACTION PIC 9(01).
20 VR-STREET-DIRECTION PIC X(02).
20 VR-STREET-NAME PIC X(24).
20 VR-RURAL-ADDRESS REDEFINES VR-STREET-NAME.
25 VR-RURAL-ADDR-NAME PIC X(16).
25 VR-RURAL-COORDINATE-1 PIC 9(04).
25 VR-RURAL-COORDINATE-2 PIC 9(04).

20 VR-APT-LOT-BOX.

25 VR-API-LOT-BOX-IND PIC X(01).
25 VR-APT-LOT-BOX-NUMB PIC X(05).
15 VR-CITY PIC X(20).
15 VR-ZIP-CODE PIC 9(09).

10 VR-SEX-CODE

PIC X(01).

10 VR-BIRTH-OATE.

15 VR-BIRTH-MONTH PIC 9(02).
15 VR-BIRTH-DAY PIC 9(02).
15 VR-BIRTH-CENTURY PIC 9(02).
15 VR-BIRTH-YEAR PIC 9(02).

10 VR-SOC-SEC-NUMBER

PIC 9(09).

10 VR-DVR-LIC-NUMBER

PIC X(12).

10 VR-NATIVITY

PIC X(10).

10 VR-NAT-CITIZEN-IND

PIC X(01).

10 VR-PHY-IMPAIR-IND

PIC X(01).

05 VR-VOTING-HISTORY.

10 VR-HIST OCCURS 5 TIMES. PIC 9(02).
15 VR-ELECTION-YEAR
15 VR-ELEC-CODES OCCURS 3 TIMES. PIC X(01).
20 VR-ELECTION-TYPE PIC X(01).
20 VR-VOICE-IND PIC X(01).

(Source: Added at 13 Ill.Reg. _____ effective _____)

STATE BOARD OF ELECTIONS

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- 1) Heading of Part: New Political Party Nominating Petitions
- 2) Code Citation: 26 Ill. Adm. Code 202
- 3) Sections Numbers: Proposed Action:
202.60 New Section
- 4) Statutory Authority: Implementing Article 10 and authorized by Sections 1A-8(9) and 10-8 of the Election Code (Ill.Rev.Stat., 1987, Ch. 46, pars. 10-1 et seq.; 1A-8(9), 10-8.)
- 5) A Complete Description of the Subjects and Issues Involved:
New Section 202.60 authorizes the State Board of Elections ("Board") to examine and accept or refuse to accept for filing, nominating petitions of new political party candidates. The proposed Section requires the Board to examine such petitions for apparent conformity with the Election Code in accord with Section 10-8 of the Election Code, which applies, inter alia, to the petition of new political party candidates. The proposed section defines what shall constitute apparent conformity, and further provides that if any petition is rejected, for lack of apparent conformity, the candidate or candidates named in such petition may appeal the decision, whereupon the Board shall conduct a hearing conforming insofar as is possible to an electoral board hearing under Section 10-8 through 10-10 of the Election Code, except that the Board itself shall be deemed the petitioner.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does the rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendment pending on this Part?
No

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- 10) Statement of Statewide Policy Objectives:
Not applicable
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice.

State Board of Elections
A. L. Zimmer, General Counsel
State of Illinois Center
100 West Randolph Street
Suite 14-100
Chicago, IL 60601
(312) 917-6440
- 12) Initial Regulatory Flexibility Analysis:
Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 10, 1989
Types of small business affected: None
Reporting, bookkeeping or other procedures required for compliance: None
Types of professional skills necessary for compliance: Knowledge of election law; applies only to State Board of Elections' members and board employees.

The full text of the Proposed Amendment is as follows:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

Part 202

NEW POLITICAL PARTY NOMINATING PETITIONS

Section 202.10	Filing Times at the Office of the State Board of Elections
202.20	Determination of Nominating Petitions Official Time of Filing
202.30	Filing Times for Objections and Withdrawals
202.40	Simultaneous Filings for the Same Office --Lottery
202.50	Nominating Petitions Filed with County Clerks
202.60	Inspection of Nominating Petitions for Apparent Conformity

AUTHORITY: Implementing Article 10 authorized by Sections 1A-8(9), and 10-8 of the Election Code (Ill. Rev. Stat. 1987, ch. 46, 1A-8(9) and 10-8.

SOURCE: 2 Ill.Reg. No. 25, p. 70, effective July 3, 1978; amended 5 Ill.Reg. 14144, effective December 4, 1981; codified at 6 Ill. Reg. 7214; amended at 13 Ill.Reg. _____, effective _____.

Section 202.60 Inspection of Nominating Petitions for Apparent Conformity

a) All nominating petitions of new political party candidates filed with the State Board of Elections shall, within 5 business days of filing, be examined by the Board or its staff to determine whether such petitions are in apparent conformity with the requirements of Article 10 of the Election Code. Such petitions shall be deemed to be in apparent conformity with the requirements of that Article if they:

1) Include all papers and forms which are required by Article 10 of the Election Code for the office for which the candidate is seeking nomination or election;

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- 2) Appear to contain all of the information and statements, sworn and attested to where necessary, as required by Article 10;
- 3) Appear to contain, where required by Article 10 or any other statutes, the requisite number of presumptively valid signatures; and
- 4) Appear to contain original petition sheets which are not photocopies or duplicates of any other petition sheets.

b) If, after an examination of a candidate's nomination petition, the State Board of Elections or its staff determines that such petition is not in apparent conformity with the requirements of Article 10 the Board or its staff shall notify the candidate in writing that such petition is not in apparent conformity with the requirements of Article 10. Such notice shall state the reasons why the nomination petition is not in apparent conformity with the requirements of Article 10, and shall inform the candidate that he or she may appeal the determination of the Board that the petition is not in apparent conformity by submitting a written objection to the determination to the Board at its principal office in Springfield, Illinois not later than the close of the pertinent period for objections to such petitions as is established by statute. Such notice shall be sent by the Board or the staff within 1 business day of completion of the examination, by first class mail, postage paid, addressed to the candidate at the address contained on his or her statement of candidacy.

c) If the candidate appeals the determination that his or her petitions are not in apparent conformity, the Board shall conduct a hearing to determine the apparent conformity of the nominating petition. Such hearing shall be in a form as close as may be possible to those required under Section 10-8 through 10-10 of the Election Code (Ill.Rev.Stat., 1987, ch. 46, pars. 10-8 - 10-10) except that the Board itself shall be deemed the petitioner, and the notice of lack of apparent conformity sent to the candidate shall constitute the petition of objection.

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d) If the Board receives an objection to a petition it has decided is not in apparent conformity with Article 10, the Board shall notify the objector that the Board has determined the petition is not in apparent conformity. If an Electoral Board is convened pursuant to Sections 10-8 through 10-10 of the Election Code (Ill.Rev.Stat. 1987, ch. 46, pars. 10-8 - 10-10) the Board may hear its own petition identified in subsection (c) of this part at the same time it sits as the State Electoral Board to hear the objection to the nominating petitions.

(Source: Added at 13 Ill.Reg. _____, effective _____.)

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1) Heading of the Part: Administrative Hearings And Appeals

2) Code Citation: 56 Ill. Adm. Code 2725

3) Section Number:
2725.20 Adopted Action:
2725.100 Amended Section
2725.105 Amended Section
2725.120 Amended Section
2725.250 Amended Section
2725.270 Amended Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 451, 452, 453, 456, 571, 571.1, 572, 572.1, 578, 578.1, 579, 580, 610, 611, 680, 681, 683, 700, 701, 702, 703, 704 and 705.

5) A Complete Description of the Subjects and Issues Involved:
This proposed amendment provides the Director with the ability to appoint employees of the Department to appear at hearings before the Director's Representative to represent the position of the Director in the matter.

This proposed amendment also updates the various hearing rules which refer to benefit wage charging. Effective July 1, 1989, benefit wages will be replaced by benefit charges. Also, effective July 1, 1989, the "last employer" will incur the benefit charges instead of the base period employers who incurred the benefit wage charges.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective? Not Applicable.

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- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

- 12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 1, 1989.

Types of small businesses affected: All businesses subject to the Unemployment Insurance Act.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment appears on the following page of the Illinois Register.

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2725

ADMINISTRATIVE HEARINGS AND APPEALS

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Section
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2725.10
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Burden Of Proof
Designation Of Agents
Computation Of Time
Disqualification Of Agency Employee
Request For Clarification
Form Of Papers Filed

SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEFS

2725.100
2725.105
2725.110
2725.115
2725.120

Application For Revision Of Statement Of Benefit Wages_
Or Of Statement Of Benefit Charges
Application For Review Of Rate Determination
Protest Of Determination And Assessment
Claim For Adjustments (Credits) And Refunds
Application For Cancellation Of Benefit Wages Or Benefit
Charges Due To Lack Of Notice

SUBPART C: APPEAL TO DIRECTOR'S REPRESENTATIVE

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Filing Of Appeal
Pre-Hearing Conference
Notice Of Hearing
Preparation For The Hearing
Telephone Hearings
Ex Parte (One Party Only) Communications
Subpoenas
Depositions
Consolidation Or Severance Of Proceedings
Withdrawal Of Petition For Hearing
Continuances
Conduct Of Hearing
Rules Of Evidence
Oral Argument-Memoranda-Post Hearing Documents
The Record
Recommended Decision

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- 2725.275 Objections To Recommended Decision
 2725.280 Decision Of Director

AUTHORITY: Implementing and authorized by Sections 701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 451, 452, 453, 456, 571, 571.1, 572, 572.1, 578, 579, 580, 610, 611, 680, 681, 683, 700, 702, 703, 704 and 705).

SOURCE: Adopted at 11 Ill. Reg. 11065, effective July 1, 1987; amended at 12 Ill. Reg. 14653, effective September 6, 1988; amended at 12 Ill. Reg. 16060, effective September 23, 1988; amended at 13 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2725.20 Request For Clarification

Any employer may request clarification of information contained on a "Statement of Benefit Wages" or a "Statement of Benefit Charges" (Ben-118), "Notice of Employer's Contribution Rate" (ER-5) or "Determination and Assessment" by contacting the Department of Employment Security, Division of Revenue, at the address or telephone number listed on such applicable form. However, such response by the Revenue Division shall be for informational and clarification purposes only and not binding on either the employer or the Agency.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEFS

Section 2725.100 Application For Revision Of Statement Of Benefit Wages Or Of Statement Of Benefit Charges

- a) Applications for Revision of the Statement of Benefit Wages or the Statement of Benefit Charges must be filed at the address specified on the such Statement of Benefit Wages-(Ben-118), within 45 days of the mailing of such Statement, as provided in Section 1508 of the Act.
- b) A sufficient Application shall set forth: the name and Social Security account number of each claimant whose benefit wages or benefit charges are contested; the amount of benefit wages or benefit charges contested or the weeks of benefit wages or benefit

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charges contested; the year and quarter of the Statement of Benefit Wages-(Ben-118) contested; and a statement of facts providing the basis for relief upon which the employer relies in its Application.

- 1) If the employer is charged benefit wages and did not receive notice of the claim, despite the Agency's record of the mailing date of a "Notice of Finding to a Base Period Employer" (BIS-305) shown on the Statement of Benefit Wages (Ben-118), the employer states this fact and the reasons why the payment of benefits to the claimant for the weeks charged, or the charging of benefit wages to the employer, is improper.

A) If an employer was served with a Notice of Finding or Reconsidered Finding (BIS-305) pursuant to Section 701 or 703 of the Act, the employer may not object to the benefit wages on the basis that the employer was not an employer during the base period of the claimant, that the claimant was not performing services in employment for the employer or that the wages as shown on such finding are incorrect.

B) If an employer was served with a Notice of Finding (BIS-305), the employer's remedy for relief of the benefit wages is an appeal of the finding pursuant to Section 800 of the Act or a request for reconsideration of the finding pursuant to Section 703 of the Act with the Claims Adjudicator at the local office where the claimant filed for benefits.

C) If the finding is subsequently modified or reversed, the benefit wages will be modified or cancelled, as appropriate, through the operation of Section 706 of the Act. (See 56 Ill. Adm. Code 2720).

- 2) If an employer alleges that the benefit wages or benefit charges arose from the payment of benefits to a claimant for weeks of eligibility to which the employer was entitled to notice of

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a determination pursuant to Sections 702 or 703 of the Act, and was not notified of such determination of eligibility and the claimant was improperly paid benefits, the employer must show that it filed in response to notice of the claim, a timely (see 56 Ill. Adm. Code 2720.30) and sufficient Notice of Possible Ineligibility or letter in lieu thereof alleging that the claimant was ineligible for benefits for the weeks charged and did not receive a determination of eligibility or decision holding the Notice of Possible Ineligibility or letter in lieu thereof as insufficient or untimely.

A) A copy of the allegedly unanswered Notice of Possible Ineligibility or letter in lieu thereof must be included with the Application, together with any subsequent documentation where applicable, such as a Referee or Board of Review decision holding the Notice of Possible Ineligibility as sufficient.

B) If the employer did not file a timely and sufficient Notice of Possible Ineligibility or letter in lieu thereof in response to the notice of claim or if a determination of eligibility was served upon the employer, the employer may not object to the benefit wages or benefit charges that arose from the determination of eligibility for benefits unpaid to the claimant for the weeks charged. In such a case, the employer's remedy is to request a reconsidered determination from the local office Claims Adjudicator where the claimant filed for benefits, pursuant to Section 703 of the Act or to file an appeal to the determination under Section 800 of the Act.

C) If the determination of eligibility for the weeks charged is reversed, the employer will receive appropriate relief from the benefit wages or from the benefit charges charged through the operation of Section 706 of the Act.

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- 3) When the employer alleges that a clerical error was made by the Agency, the nature of the clerical error and its effect on the benefit wages or benefit charges must be clearly stated. A copy of the material bearing the error must accompany the Application.
- 4) Where the employer alleges that the benefit wages are non-chargeable because part-time work provided by the employer during the claimant's base period was continued into the applicable benefit year pursuant to Section 1501F of the Act, there must be a specific allegation that the employer provided during the applicable benefit year substantially the same part-time work as he did during the base period of the claimant. In determining whether the part-time work is substantially the same as provided in the base period, consideration shall be given to the number of hours worked and the amount of wages earned. The employer must furnish information to support the allegations, which may include a record of earnings and working hours in each calendar week following the initial claim during the period covered by the Statement of Benefit Wages (Ben-118) and an equivalent record showing that earnings and working hours are on the same basis and substantially the same amount as during the base period of the claimant while performing services for the employer.

- 5) Where the employer who employs an individual on a part time basis during his base period and continues to provide such part time work to the individual on the same basis and in substantially the same amount during the individual's claim for unemployment benefits is assigned benefit charges for such individual on its BEN-118, Statement of Benefit Charges it must show that it met the requirements of 56 Ill. Adm. Code 2765.335(b), in which case the benefit charges will instead become the benefit charges of the next earlier employer who meets the requirements of 56 Ill. Adm. Code 2765.325.

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- c) An Application which does not specify the factual basis for relief sought or otherwise fails to meet the criteria in subsection (a) and (b) shall be ruled insufficient, and the Director shall serve notice of such ruling and the basis therefor upon the employer. The ruling shall be final and conclusive unless the employer files, within 20 days of the date of mailing of the ruling, a written objection or a revised Application for Revision of the Statement of Benefit Wages or Statement of Benefit Charges, specifically responding to the reasons the original Application was ruled insufficient. The written objection or revised Application be shall reviewed and an order issued. An employer disagreeing with such order may appeal to a Director's Representative under Subpart C of this Part if such appeal is taken within 20 days of the date of mailing of the order.

- 1) Where an employer alleges that benefit wages should have been transferred from such employer's account to the next subsequent employer pursuant to Section 1501F of the Act, reference must be made to, and a copy furnished of, the Notice of Claims Adjudicator's Decision (Ben-135) or the Director's Decision, which is the basis for the requested transfer.

- A) No transfer of benefit wages may be initiated through an Application for Revision of Statement of Benefit Wages, but must be requested from the Claims Adjudicator at the local office where the claim was filed.
- B) If an employer has previously submitted a request for transfer of benefit wages with the local office, it should resubmit the request with proof of filing the original request.

- 2) Where an employer alleges that a claimant was not an unemployed individual under Section 239 of the Act during a period when such claimant was paid benefits, no relief shall be available under Section 1508 of the Act, but the matter shall be referred to the local office where the claimant last filed a claim for benefits for investigation to which such employer shall be a party. If the

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claimant is determined ineligible, appropriate relief will be granted to such employer under Section 706 of the Act.

- 3) Where an employer alleges that his Statement of Benefit Charges is incorrect because it is not the "last employer" pursuant to Section 1502.1 of the Act, such Application must contain a reference to and a copy of the decision which reverses the claims adjudicator and holds that the employer is not the "last employer." Unless the employer has filed a timely request for reconsideration to the decision that the claims adjudicator has found it to be the "last employer," pursuant to 56 Ill. Adm. Code 2765.325 or 2765.328, such employer shall not be entitled to a revision of its "Statement of Benefit Charges".

- d) Upon receipt of a sufficient Application, the Application shall be ordered allowed or denied in whole or in part and notice of such order stating the basis therefor shall be mailed to the employer. Such application will be allowed in part and denied in part where the employer has contested multiple benefit wages or benefit charges but has made sufficient allegations on some but not all. Such order shall become final and conclusive at the expiration of 20 days from the date of mailing of such order, unless the employer shall have filed a Petition specifying its objections thereto.

- e) Where the allegation in the Application is lack of notice of a determination or reconsidered determination and the ineligibility of the claimant for a specific reason, such employer shall be sent either a copy of the original determination or reconsidered determination, as may be applicable, and if the allegation of lack of notice proves to be true, the period for filing a timely appeal under Section 800 of the Act and 56 Ill. Adm. Code 2720: Subpart C shall begin from the date of mailing of the copy of the determination or reconsidered determination.

(Source: Amended at 13 Ill. Adm. Code _____, effective _____)

Section 2725.105 Application For Review Of Rate Determination

- a) An Application for Review of Rate Determination must be filed at the address on the Notice of Contribution Rate Determination (form ER-5) within 15 days of the mailing of the Notice of Contribution Rate Determination to the employer.
- b) A sufficient Application shall set forth the following:

1) If the rate determination is based in whole or in part on erroneous benefit wages or erroneous benefit charges, the Application must allege:

A) The employer was not served with a Statement of Benefit Wages or a Statement of Benefit Charges containing the benefit wages or benefit charges used in the calculation of the employer's contribution rate; or,

B) The employer has received an order or decision allowing an adjustment of the benefit wages or an adjusting of the benefit charges used in calculating the employer's contribution rate. A copy of such order or decision must be attached to the application.

2) If a determination or decision allowing the payment of benefits has finally been reversed or modified and the benefit wages or benefit charges resulting from such benefit payment were not revised in accordance with the provisions of Section 706 of the Act, the employer shall provide a copy of such final reconsidered finding, reconsidered determination or decision.

3) If the employer has not been credited with payment of the full amount of contributions paid to the Director in accordance with Section 1503 of the Act, the employer shall state the exact amount of contributions and the date such contributions were paid, the calendar quarter to which the payment relates, and/or the exact amount of wages for insured work for which contributions were paid to the Director.

4) If the employer alleges that its payment of contributions, interest or penalties was not applied in accordance with 56 Ill. Adm. Code

2765.45, it must provide evidence of its request for specific application of the payment.

EXAMPLE: An employer tendered a payment of \$100.00 which the Agency applied to the earliest unpaid quarter of the employer. If the employer alleges that this payment should have been applied to a different quarter, heit shall provide evidence that, at the time the payment was tendered, heit indicated the time period to which the payment was to apply.

- 5) If the Agency has made a mathematical error, the employer shall provide a detailed, clear statement showing the correct calculations.
- 6) If the employer alleges that the provisions of Section 1507 of the Act have been erroneously applied, the employer must show that it complied with 56 Ill. Adm. Code 2760.105(b), if applicable, and shall provide a statement of whether the employer has succeeded to substantially all or to a distinct severable portion of the employing enterprises of a predecessor, or whether a successor has succeeded to substantially all or a distinct severable portion of the employer's employing enterprises, and the factual basis for such statements.
- 7) If the employer alleges an incorrect Standard Industrial Classification code, a statement of the employer's primary activity and the factual basis for such statement.
- 8) If the employer alleges that it has not been credited with the full amount of wages for insured work subject to the payment of contributions that it reported, it shall state the exact amount of such wages and the quarters for which such wages were reported and shall provide a copy of its Wage Report (UC-40) (see 56 Ill. Adm. Code 2760.25) and any form UC-40B's used to report additional wages for the same quarters (see 56 Ill. Adm. Code 2760.145).

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- c) An Application which does not specify the factual basis for relief sought, or does not contain the information required by the applicable Section of this Part, shall be ruled insufficient. The ruling shall be final and conclusive unless the employer files, within 10 days of the date of mailing of such ruling, a written objection or revised Application, specifically responding to the reasons the original Application was ruled insufficient. The written objection or revised Application shall be reviewed and an order allowing or denying relief issued.
- d) If the Application is sufficient, the Agency shall investigate the allegations in the Application based on agency records and any documents supplied by the employer. The Agency shall issue a written order with reasons denying the Application or allowing the Application in whole or in part.
- e) An employer disagreeing with the order may appeal to a Director's Representative under Subpart C of this Part.
- f) If the basis for review of the rate determination is a pending benefit wage or benefit charge matter, such matter is not a basis for relief under this Section, but rather the employer's remedy is pursuant to Section 1508 of the Act and Section 2725.100 of this Part. If the benefit wages or benefit charges are modified or cancelled, as appropriate, through the operation of Section 2725.100 of this Part, appropriate relief will be granted through the operation of Sections 1508 and 1509 of the Act.

EXAMPLE: While review of a benefit wage or a benefit charge matter is pending, the employer receives a Notice of Contribution Rate Determination based on the contested benefit wages or benefit charges. This employer's pending Application for Revision of Statement of Benefit Wages or Statement of Benefit Charges shall be deemed to be an Application for Review of that portion of its rate based on the contested Statement. If such employer prevails on the Application for Review of Benefit Wages or Statement of Benefit Charges, its benefit wage or benefit ratio shall be modified accordingly and, if this results in a change to its rate, a revised Notice of Contribution Rate Determination will be issued.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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Section 2725.120 Application For Cancellation Of Benefit Wages Or Benefit Charges Due To Lack Of Notice

- a) An Application for Cancellation of Benefit Wages or Benefit Charges Due to lack of notice made pursuant to Section 1508.1 of the Act shall be sufficient only if the following requirements are met:
- 1) The employer has also filed a timely and sufficient Application for Revision of Statement of Benefit Wages or Statement of Benefit Charges, as provided in Section 2725.100; and,
 - 2) The employer specifically alleges in its Application for Cancellation of Benefit Wages or Benefit Charges that the Agency did not issue one or more of the following Notices within the required time period:

- A) A "Notice to Base Period Employer" (BIS-305) or "Notice to Last Employing Unit" (BIS-31) (See 56 Ill. Adm. Code 2720.130(a)(1)) within 180 days of the date of the initial Finding; or,
- B) A "Notice of Determination" (BEN-134) (See 56 Ill. Adm. Code 2720.140(a)) under Section 702 of the Act within 180 days of the employer's timely "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof (see 56 Ill. Adm. Code 2720.130) or, in the case of a remanded Decision regarding the sufficiency of the employer's protest under Section 702 of the Act, within 180 days of the remanded Decision; or,
- C) In the case of a "Notice of Determination" (BEN-134) issued under Section 702 of the Act, in which an issue was not adjudicated at the time of the employer's timely "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof because of the individuals' failure to file a claim for a week of benefits, within 180 days of the date on

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which the individual first files a claim for a week of benefits; or,

- D) A "Notice of Reconsideration of Findings" (BIS-305) or "Notice of Reconsideration of Determination" (BEN-134), within 180 days of the date of reconsideration; or
- E) A "Notice of Director's Decision" (AR-56) (See Ill. Adm. Code 2720.270), which allows benefits, within 180 days of the date that the appeal was received by the Agency; or,
- F) Under Section 604 of the Act, a "Notice of Director's Decision" within 180 days of the date of the report and Recommended Decision of the Director's Representative.

- b) A citation to Section 1508.1 of the Act or this Section of the Rules need not be made in the Application, nor is it necessary to specifically allege the failure of the Agency to act within 180 days.

Example: The employer meets the requirements of Subsection (a)(1) and alleges that the Agency failed to respond to its timely "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof by issuing a "Notice of Determination" (BEN-134). If the Agency finds that the allegations contained in the employer's Application for Cancellation of Benefit Wages or Benefit Charges are true, and 180 days have elapsed since the employer's "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof, then the benefit wages or the benefit charges in question will be cancelled.

- c) The Application for Cancellation of Benefit Wages or Benefit Charges can be made a part of an Application for Revision of Statement of Benefit Wages or Statement of Benefit Charges provided that the requirements of subsection (a)(2) are satisfied.

Example: An Initial Finding is made on January 4, 1987, but no "Notice to Base Period Employer" (BIS-305) is mailed to the employer, although no benefits are initially paid. The claim is reopened on July 7, 1987, but no "Notice to Base Period

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Employer" (BIS-305) is mailed and benefits are now paid. As the "Statement of Benefit Wages" (BEN-118) will not be mailed until subsequent to the 180 days after the date of mailing of the initial Finding, both the Application for Revision of Statement of Benefit Wages and the Application for Cancellation of Benefit Wages can be made in a single document.

- d) An Application for Cancellation of Benefit Wages or Benefit Charges will be denied if an Application for Revision of Statement of Benefit Wages or Statement of Benefit Charges regarding the same benefit wages or the same benefit charges and based on the same allegation has already been denied.
- e) The cancellation of benefit wages or the cancellation of benefit charges will be allowed if it is proven by the employer that:
 - 1) The employer meets the definition of a "party" under 56 Ill. Adm. Code 2720.1; and,
 - 2) The Agency failed to issue one or more of the "Notices", as set forth in subsection (a)(2); and,
 - 3) The employer has satisfied the requirements of Section 1508 of the Act; and,
 - 4) The Agency's actions directly resulted in the payment of benefits to an individual and hence caused the individual's wages to become benefit wages or benefit charges in accordance with the provisions of Sections 1501, 1501.1, and 1502 and 1502.1 of the Act. For the purposes of this Section, the Agency's actions "directly resulted" in the payment of benefits where the Agency fails to respond to a timely, where required, notice from an employer within the time limits set in subsection (a)(2).

- A) Example 1: The employer files a late appeal to the Referee (after expiration of the 30 day appeal period set forth by Section 800 of the Act). Even if the Agency fails to rule on the employer's appeal within 180 days from

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the date the appeal is filed, the employer's benefit wages or benefit charges will not be cancelled, as the Agency's failure to rule on an issue over which the Referee has no jurisdiction cannot "directly result" in the payment of benefits. This result would be different if the employer proves that its appeal was filed in a timely manner.

B) Example 2: The employer files a timely "Notice of Possible Ineligibility" (BIS-22) or letter in lieu thereof to which the Agency makes no response within 180 days. Even if the claimant is found to be eligible for benefits, these benefit wages or benefit charges will be subject to cancellation if the other requirements of this Section are met.

f) All of the provisions of Section 1508 of the Act and Section 2725.100 of this Part, applicable to Applications for Revision of Statement of Benefit Wages or Statements of Benefit Charges and not inconsistent with the provisions of Section 1508.1 of the Act and this Section, shall apply to Applications for Cancellation of Benefit Wages or Benefit Charges under Section 1508.1 of the Act.

Example: The employer must file its timely Application for Revision of Statement of Benefit Wages or Statement of Benefit Charges in response to a Statement of Benefit Wages or Statement of Benefit Charges. If any benefit wages or benefit charges are allowed by the employer to become final, it cannot later request that the benefit wages or benefit charges be cancelled due to its subsequently meeting the requirements of Section 1508.1 of the Act.

g) All of the provisions of the Act and this Part applicable to Protests and Petitions for Hearings conducted pursuant to Section 2200 of the Act and not inconsistent with the provisions of Section 1508.1 of the Act and this Section shall be applicable to Applications for Cancellation of Benefit Wages or Benefit Charges.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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SUBPART C: APPEAL TO DIRECTOR'S REPRESENTATIVE

Section 2725.250 Conduct of Hearing

- a) The Director's Representative will control the hearing which will be confined to the relevant factual and/or legal issues.
- b) At the hearing the petitioning employer must produce testimony, argument or other evidence to establish that the Director's order or determination and assessment is incorrect.
- c) Following the testimony of each witness, the witness may be questioned and cross-examined by the opposing party, if any, and then may be questioned and cross-examined by the Director's Representative or such other employee of the Director as the Director may designate. The Director's Representative or such other employee of the Director as the Director may designate shall represent the Director and may present any evidence to support the Director's order or determination and assessment.
- d) It is the duty of the Director's Representative to ensure that the party or parties, as appropriate, have full opportunity to present all evidence relevant to the issues before the Director's Representative.
- e) If any person becomes disruptive or abusive, the Director's Representative shall exclude such person from the hearing and the hearing will continue without the participation of such excluded individual. The Director's Representative shall render a decision based on all evidence in the record.
- f) The Director shall prohibit any person from representing a party in any proceeding under this Part if the Director finds that such person is or has been guilty of violating the Code of Professional Responsibility, Article 8 of the Rules of the Illinois Supreme Court (Ill. Rev. Stat. 1985, ch. 110A, par. 1-101 et seq.) or has intentionally disregarded the provisions of the Act, rules promulgated thereunder or written instructions of the Director. Such prohibition shall

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be in writing and shall be applicable for a period not to exceed 120 days from the date such decision is mailed to the party.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 2725.270 Recommended Decision

- a) The Director's Representative shall issue a recommended decision without a hearing where:

- 1) The Record fails to state a basis for relief under the facts stated or the law;
- 2) The Petition or revised Petition, Application for review of a rate determination, Application for revision of statement of benefit wages or statement of benefit charges, or Claim for refund or adjustment was not filed in a timely manner as provided for in the Act and no issues relating to timeliness have been raised by the petitioner.

- b) The Director's Representative, at the conclusion of the hearing, or upon the failure of an appealing party to appear at a scheduled hearing or failure of such party to provide any necessary telephone number or to answer at a designated telephone number at the time of such scheduled hearing as provided in Section 2725.220, shall submit his recommended decision to the Director. Such recommended decision shall include:

- 1) A statement of the issues involved;
 - 2) Findings of fact;
 - 3) Conclusions of law;
 - 4) A recommended decision.
- c) A copy of such recommended decision shall be served upon all parties.

- d) Such recommended decision shall become the decision of the Director unless objections are filed to the recommended decision in accordance with Section 2725.275.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Claims, Adjudication, Appeals and Hearings

- 2) Code Citation: 56 Ill. Adm. Code 2720

- 3) Section Number: Adopted Action:
2720.1 Amended Section
2720.130 Amended Section
2720.132 New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 349, 409, 420, 450, 451, 452, 453, 455, 456, 470, 471, 473, 474, 474a, 500, 501, 502, 504, 530, 610, 611, 700, 702 and 704.

- 5) A Complete Description of the Subjects and Issues Involved:
In addition to making several technical changes, this amendment would require that employers notify the agency whenever an employee is discharged for an alleged felony or theft connected with his work. These amendments also limit which employers are entitled to a copy of the claimant's "finding."

Under current rules an employer is notified whenever a former employee files a claim and the wages paid by that employer are used in determining the claimant's monetary eligibility for benefits. Such notices had previously been sent to such employers because those employers would be liable for benefit wage charges based on the amounts of base period wages paid by them. However, beginning with benefit years effective July 1, 1989 and later, only the "last employer" will be liable for charges, and those charges will be determined by the amounts of benefits paid, not by the base period wages paid. Therefore, it is the belief of the agency that continuing to send notices to every base period employer is a waste of dollars and serves no purpose. However, the agency does recognize that, because of the provisions of Section 602B of the Act, certain base period employers should continue to receive such notices. However, because the agency has no way to identify such employers, the sending of such notices will be contingent upon the filing of a notice of separation at the time that an employee is discharged for an alleged felony or theft.

- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

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- 8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objective? Not Applicable.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:
- Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240
- 12) Initial Regulatory Flexibility Analysis:
- Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 1, 1989.
- Types of small businesses affected: All businesses subject to the Unemployment Insurance Act.
- Reporting, bookkeeping or other procedures required for compliance: If an employer wishes to receive a notice to base period employer that a claim has been filed by an individual whom the employer alleges to have discharged for a felony or theft connected with his work, the employer must notify the Department of its allegations at the time of separation.
- Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment appears on the following page of the Illinois Register.

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2720

CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

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Section

- 2720.1 Definitions
2720.3 "Week" In Relation To "Benefit Year"
2720.5 Service Of Notices, Decisions, Orders
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2720.20 Attorney Representation Of Claimants
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SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section

- 2720.100 Filing A Claim
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2720.105 Time For Filing An Initial Claim For Benefits
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2720.120 Time For Filing Claim Certification For Continued Benefits
2720.125 Work Search Requirements For Regular Unemployment Insurance Benefits
2720.126 Availability For Part Time Work Only
2720.127 Director's Approval Of Training
2720.128 Active Search For Work: Attendance At Training Courses
2720.129 Regular Attendance In Approved Training
2720.130 Employing Unit Protest Of Benefit Payment
2720.132 Required Notice By An Employer Of Separation For Alleged Felony Or Theft Connected With The Work
2720.135 Adjudicator Investigation
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2720.145 Payment Of Unemployment Insurance Benefits For Initial Claims
 2720.150 Applying For Unemployment Insurance Benefits Under Extension Programs
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SUBPART C: APPEALS TO REFEREE

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 2720.200 Filing Of Appeal
 2720.205 Notice Of Hearing
 2720.210 Preparation For The Hearing
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 2720.220 Ex Parte (One Party Only) Communications
 2720.225 Subpoenas
 2720.227 Depositions
 2720.230 Consolidation Or Severance Of Proceedings
 2720.235 Withdrawal Of Appeal
 2720.240 Continuances
 2720.245 Conduct Of Hearing
 2720.250 Rules Of Evidence
 2720.255 Failure Of Party To Appear At The Scheduled Hearing
 2720.265 The Record
 2720.270 Referee's Decision
 2720.275 Labor Dispute Appeals
 2720.277 Prehearing Conference In Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW

Section
 2720.300 Filing Of Appeal
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 2720.310 Request For Oral Argument
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 2720.320 Access To Record
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 2720.330 Consolidation Or Severance Of Appeals
 2720.335 Decision Of The Board Of Review
 2720.340 Extensions Of Time In Which To Issue A Board Of Review Decision
 2720.345 Issuance Of Notice Of Right To Sue

NOTE: ORATOR TYPE DENOTES STATUTORY LANGUAGE

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AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 349, 409, 420, 450, 451, 452, 453, 455, 456, 470, 471, 473, 474, 474a, 500, 501, 502, 504, 530, 610, 611, 700, 701, 702 and 704).

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; amended at 13 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2720.1 Definitions

All other terms used in Part 2720 of these rules shall have the meaning set forth in definitions, Sections 200 through 247 of the Unemployment Insurance Act (Ill. Rev. Stat. 19857, ch. 48, pars. 310 through 372), unless the context requires otherwise. Throughout this Part, the use of terms imparting the masculine gender shall also apply to the feminine gender.

"Act" means the Unemployment Insurance Act, as amended; (Ill. Rev. Stat. 19857, ch. 48, pars. 300 et seq.).

"Adjudicator" means the person authorized to make findings, determinations, or Recoupment decisions relating to a claimant's eligibility for unemployment insurance benefits.

"Agency" means the Department of Employment Security.

"Appellant" means a party who appeals an Agency finding, determination or decision.

"Appellee" means a party to a finding, determination or decision appealed by the appellant.

"Board" means the Board of Review of the Department of Employment Security.

"Claimant" means a person who applies for benefits under the Act.

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"Claim Series" means a week or series of consecutive weeks for which benefit or waiting week credit is granted.

"Customary occupation" means the work in which the individual was last engaged or the occupation for which he is best qualified by training, experience, and education.

"Decision" means the ruling made by a Referee, the Director or the Board of Review with respect to any appeal from a Finding or Determination relating to rights or obligations under the Act or a ruling by an adjudicator that an employing unit's protest is insufficient.

"Determination" means An Adjudicator's statement of whether or not a claimant is eligible for benefits or waiting week credit, and the dollar amount of such benefits for each week with respect to which a claim is made; (Ill. Rev. Stat. 1985, ch. 48, par. 452).

"Director's Representative" means an employee of the Agency designated by the Director of Employment Security to conduct hearings and to recommend decisions to the Director.

"Employing unit" shall have the same meaning as that set forth in Section 204 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 314).

"Filing date" means the date a document was mailed to or received by the Agency, whichever is earlier.

"Finding" means a statement by an Adjudicator of the amount of wages for insured work paid to a claimant during each quarter in the claimant's base period by each employer; (Ill. Rev. Stat. 1985, ch. 48, par. 451). When an employer is entitled to receive a finding, it is sent a form entitled "Notice of Claim to Base Period Employer" which is its copy of the finding.

"Full-time work" is the number of hours a class of workers would customarily work if the employing unit had all of the work it could handle without working overtime. Except where the contrary is provided by a collective bargaining agreement or company policy, full time work is customarily 40 hours per week. For example, 37.5 hours per week is full time work for Illinois state employees because it is so provided by state personnel policy.

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"Initial claim" means an application for benefits which, meeting all monetary eligibility requirements, commences a claim series.

"Local office" means the office of the Agency servicing claimants who live in a specific geographical area.

"Monetary Eligibility" means a claimant's eligibility for a weekly amount of unemployment insurance and the amount of dependency allowance, if any, based on the amount of qualifying wages paid.

"Nonmonetary Eligibility" means that the claimant has established monetary eligibility and has not been found ineligible or subject to disqualification under the Act from receiving unemployment insurance benefits.

"Part-time work" means services not normally required for the customary schedule of full time hours or days prevailing in the establishment in which such services are performed, or services performed by a person who, owing to his personal circumstances or the nature of the work he is qualified to perform, does not customarily work the schedule of full time hours or days prevailing in the establishment in which he is employed; (Ill. Rev. Stat. 1985, ch. 48, par. 407). Generally, part work will be less than 40 hours per week except where company policy or a collective bargaining agreement provides for a lesser number of hours per week as full time work. In such cases, part time work shall be work less than the number of full time hours set by the collective bargaining agreement or company policy.

"Part-total employment" means part-time work with an employing unit other than one's regular employing unit.

"Partial employment" means part-time work with one's regular employment unit.

"Party" means, with respect to issues of nonmonetary eligibility, the claimant and any employing unit which files a timely and sufficient protest pursuant to Section 2720.130 of this Part. Only a party under Section 702 of the Act may appeal a nonmonetary determination or decision of the Agency regarding eligibility for benefits. With respect to Findings under Section 701 of the Act, "Party" means the claimant and any employer whose base period wages are in question. With respect to the issues of sufficiency and

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timeliness of a protest pursuant to Section 2720.130 of this Part, "Party" means only the employing unit which files the protest.

"Protest" means the Agency form, "Employer Notice of Possible Ineligibility," or a letter in lieu thereof, which alleges that the claimant is not entitled to unemployment insurance benefits.

"Referee" means the hearing officer authorized to conduct hearings on appealed Adjudicator Findings, Determinations or Recoupment Decisions and to make Decisions on the matters appealed.

"Regular employing unit" is either the employing unit for which an individual expects to continue working and to work full time if business warrants it, or any employing unit for which the individual worked full time for nine consecutive weeks during the preceding 52 weeks.

"Service area" means a geographical area served by a local office.

"Services" means not only work actually performed, but the entire employer-employee relationship. Any attachment to an employing unit for which wages are payable constitutes a service for that employing unit.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section 2720.130 Employing Unit Protest Of Benefit Payment

- a) A protest, ("Notice Of Possible Ineligibility" (BIS-22) or a letter in lieu thereof) raises questions of eligibility, entitles an employing unit to receive an Adjudicator's Determination regarding questions of eligibility raised, and if timely and sufficient as set out below, provides party status and appeal rights of such Determination relating to the protest.

- 1) The employing unit shall mail the protest within the later of ten calendar days after the date of notice shown on the Form "Notice of Claim to Last Employer and Last Employing Unit," (BIS-0033) or of the Form "Notice Of Additional

Claim," (BIS-0183) or of the form "Notice to Interested Party," (BIS-0305) or by the "Notice Date Due" shown on the first two of these forms, which has been mailed to it. If it employed the worker during his base period, has complied with the requirements of Section 2720.132 of this Part the claimant meets the requirements of Section 500E of the Act, and none of the above forms has not been mailed to it, the employing unit shall mail the protest, within ten calendar days after the date of the Form "Notice of Claim to Base Period Period Employer," which has been mailed to it. The protest shall be mailed to the Director at the local office designated on the form received by the employing unit. If the employing unit mails the protest to an address other than the address designated on the form received by the employing unit, timeliness of the notice shall be measured from the date of receipt at the proper address instead of the postmark date.

- 2) The protest should include the names, addresses and telephone numbers of persons having knowledge of the facts and circumstances supporting the allegation whom the employing unit designates for the Agency to contact for further information. The protest must meet the sufficiency requirements of subsection (d).

- b) Any employing unit may at any time file a protest alleging that acts or circumstances which may have occurred during the claims series should result in termination or suspension of the payment of benefits. A protest regarding possible ineligibility during a claim series is timely beginning with the week in which it is received.

- c) Where an employer alleges that an individual who was initially an unemployed individual but was later not unemployed under Section 239 of the Act, because the individual returned to work for the employer and continued to claim benefits, a protest shall be considered timely if filed within 45 days of the date the Agency mails the employer a Statement of Benefit wages (BEN-118) which includes a period in which the employer alleges that the individual claimed benefits while he was employed by the employer.

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- d) As long as the employing unit gives a reason or reasons for the allegation and the reason(s) is directly related to the issue raised and is not a general conclusion of law, the allegation shall be considered sufficient. A protest under this Section is sufficient only if limited to one claimant, except as otherwise provided below, and only if it:
- 1) Alleges on the protest that the claimant is not eligible for benefits or waiting week credit by providing material reasons or facts in support of the allegation, other than a conclusion of law, which would support the claimant being held ineligible for benefits; or,
 - A) EXAMPLE: SUFFICIENT - EMPLOYING UNIT'S PROTEST ALLEGES:
 - i) The claimant is not able to and available for work because she is in school.
 - ii) The claimant is not able to and available for work because he has no child care during working hours.
 - iii) The claimant is not able to and available for work because he has removed himself to an area of substantially less favorable work opportunities.
 - iv) The claimant is not able to and available for work because she is seeking part-time work.
 - v) The claimant is not able to and available for work because he is in an occupation for which there is demand in the labor market area.
 - B) EXAMPLE: NOT SUFFICIENT - EMPLOYING UNIT'S PROTEST ALLEGES:

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- i) The claimant is not actively seeking work. (General conclusion of law).
 - ii) The claimant is not available for work. (No reason given for allegation).
 - iii) The claimant is not able to and available for work because he was discharged from his last job. (Reason given is not related to the issue raised).
- 2) Alleges that the claimant is not eligible for benefits, because, in connection with any separation or layoff, the claimant has been or will be paid vacation pay, vacation pay allowance, or pay in lieu of vacation, in which event, the employing unit must designate, on the protest, within 10 calendar days after notification of the filing of his claim, or within 10 calendar days of the date such vacation pay is paid or payable, the period to which such pay is allocated. It is not necessary that a protest be filed for each individual vacation payment. No such designation is necessary for disqualification purposes, for vacation payments made during an announced period of shutdown for the purposes of inventory, vacation, or both; or
- 3) Alleges that the claimant is not eligible for benefits because he is unemployed due to his involvement in a labor dispute; and the employing unit, within 5 days of the start of the period of the work stoppage due to a labor dispute, provides the Agency with the name and Social Security number of each worker involved in the dispute. The list shall be filed with the Agency's Labor Dispute section. Upon receipt of the list, the Agency will mail a Labor Dispute Questionnaire to the employing unit and the union or representative of the employees involved in the labor dispute. The employing unit, union, and/or employee representative must respond to the questionnaire

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within 10 days. If the questionnaire is not received within 10 days, the Agency will issue a decision based on the information contained in the record at that time. The filing of the above list will constitute an allegation of possible ineligibility under the labor dispute provision (Section 604 of the Act) only and shall not be construed as an allegation of possible ineligibility under any other provision of the Act.

- e) In instances when the Agency determines that the protest has not met the sufficiency requirements of subsection (d)(1), the Agency shall immediately return the protest with a description of the needed information. If the protest with all required information is refiled within 10 days of the date the Agency mailed it back to the employing unit, the protest shall be considered filed on the date the Agency originally received it. In no event shall the Agency return an inadequate protest more than once. In the event that a protest does not meet the sufficiency requirements of subsection (d)(1) after being returned to the employing unit once, the Adjudicator shall determine the protest to be insufficient. A determination Decision that a protest is insufficient may be appealed pursuant to Section 2720.200.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 2720.132 Required Notice By An Employer Of Separation For Alleged Felony Or Theft Connected With The Work

- a) Whenever an employer discharges an individual for an alleged felony or theft in connection with his work, within 10 calendar days of such separation, the employer shall notify the Agency of the separation.
- b) The notification required by subsection (a) shall include the name of the individual discharged, his social security number, the name of the employer, its mailing address, its Illinois Employer Account Number, the date of separation and must be labelled "Employer's Notice of Separation For Alleged Felony Or Theft."

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- c) The notification required by subsection (a) must be sent to:

Illinois Department of Employment Security
401 South State Street, 3 South
Chicago, IL 60605
Attn: Labor Dispute Unit.

- d) Only an employer which complies with the requirements of this Section and which has not been mailed the Form "Notice of Claim to Last Employer and Last Employing Unit" is entitled to a copy of the finding for the individual.

(Source: Added at 13 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) Section Number: Proposed Action:
 2765.325 New Section
 2765.328 New Section
 2765.330 New Section
 2765.332 New Section
 2765.333 New Section
 2765.334 New Section
 2765.335 New Section
- 4) Statutory Authority: Ill. Rev. Stat., 1987, ch. 48, pars. 382, 420, 431, 432, 433, 442, 444, 451, 550, 551, 552, 553, 554, 572.1, 573, 578, 579, 610, 611 and 750.

5) A Complete Description of the Subjects and Issues Involved: These proposed amendments provide a detailed explanation of the Department's interpretation of the term "last employer," as the term is used in Section 1502.1 of the Act. The proposed amendments also explain the application of the various exceptions to the "last employer" definition as provided in the Act. The proposed amendments also explain the effect of "last employer" charging on various other Sections of the Act.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.

9) Are there any other proposed amendments pending on this Part? Yes.

Section Numbers Proposed Action Ill. Reg. Citation
 2765.201 New Section January 20, 1989
 (13 Ill. Reg. 752)

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- 10) Statement of Statewide Policy Objective? Not Applicable.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Stella Adams Cuthbert, Commissioner
 Illinois Department of Employment Security
 401 South State Street - 2nd Floor South
 Chicago, IL 60605
 312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 1, 1989.

Types of small businesses affected: All businesses subject to the Unemployment Insurance Act.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment appears on the following page of the Illinois Register.

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

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2765.1 Unemployment Contributions Not Deductible From Wages
2765.5 Definitions
2765.10 Payment Of Contributions
2765.15 Liability For The Entire Year
2765.20 Contributions Of Employers By Election
2765.25 Payments In Lieu Of Contributions
2765.35 Payments When Reimbursable Employer Becomes Contributory
2765.40 Payments When Contributory Employer Becomes Reimbursable
2765.45 Application Of Payment
2765.50 Accrual Of Interest
2765.55 Imposition Of Penalty
2765.60 Payment Or Filing By Mail
2765.63 When Payment Due And Consequences Of Upward Revision
2765.65 In Employer's Contribution Rate
2765.65 Waiver Of Interest Or Penalty
2765.68 Waiver Of Penalty For Certain Employers For 1987 And Thereafter Wage Reports (UC-3/40)
2765.70 Time For Paying Or Filing Delayed Payment Or Report
2765.75 Application For Waiver
2765.80 Approval Of Application For Waiver
2765.85 Insufficient Or Incomplete Application
2765.90 Disapproval Of Application Conclusive
2765.95 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

2765.200 Effect Of A successor Employing Unit's Failure To Notify The Director Of Its Succession

SUBPART C: BENEFIT CHARGES

2765.325 Application Of "30 Day" Requirement For Determining The "Last Employer" Pursuant To Section 1502.1 Of The Act

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2765.328 When The "30 Day" Requirement Of Section 1502.1B(2) Is Inapplicable Because The Individual Regualified For Benefits
2765.330 Application Of Sections 1404B(7), 1405B(6) And 1502.1C Of The Act To Employers Who Continue To Provide Individuals With Less Than Full Time Work
2765.332 Effect Of Ineligibility Under Section 602B On "Last Employer" Charging
2765.333 Effect Of Ineligibility Under Section 612 On "Last Employer" Charging
2765.334 Effect Of Ineligibility Under Section 614 On "Last Employer" Charging
2765.335 Procedural Requirements And Right Of Appeal

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027, amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; amended at 13 Ill. Reg. _____, effective _____; amended at 13 Ill. Reg. _____, effective _____.

AUTHORITY: Implementing and authorized by Sections 302, 500, 601, 602, 603, 612, 614, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act (Ill. Rev. Stat., 1987, ch. 48, pars. 382, 420, 431, 432, 433, 442, 444, 451, 550, 551, 552, 553, 554, 572.1, 573, 578, 579, 610, 611 and 750).

Subpart C: Benefit Charges

Section 2765.325 Application Of "30 Day" Requirement For Determining The "Last Employer" Pursuant To Section 1502.1 Of The Act

- a) Except as provided in Sections 2765.328 and 2765.330, the last employer prior to the individual's period of unemployment for whom the individual provided services during at least 30 days beginning with the first day of the individual's base period but prior to his filing an initial or additional claim (see 56 Ill. Adm. Code 2720.1)

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for unemployment insurance benefits shall be liable for the benefit charges or payments in lieu of contributions, as the case may be, which result from any benefits paid to that individual.

Example 1: Immediately prior to filing his claim for unemployment benefits, the individual provided services to Company A, a liable, contributing employer, for 20 days. Prior to this period, he provided services to Company B, a liable, contributing employer, for 30 days. Prior to working for Company B and throughout his base period, the individual had provided at least 10 days of service to Company A. In this example, Company A will be the "last employer" and will be liable for any benefit charges which might accrue as a result of any benefits paid to this individual. This is because the individual's last employer prior to his initial claim for benefits was Company A and he provided services to Company A during at least 30 days during the period from the beginning of the individual's base period to the date that he filed his initial claim. Pursuant to Section 1502.1 of the Act, it is not necessary for the 30 days of services by the individual to be consecutive.

Example 2: Prior to filing his claim for unemployment benefits, the individual provided services only to Company A, a liable, contributing employer, for over ten years. Company A will be this individual's last employer with respect to his initial claim for benefits. However, after claiming benefits for a few weeks, this individual is employed by Company B, a liable, contributing employer, for six months. He is then laid off by Company B and files an additional claim. Company B will be the last employer of this individual with respect to any benefit charges which might accrue with respect to the additional claim. Company A remains liable for the benefit charges which accrued prior to the filing of the additional claim, but Company B is liable for the benefit charges which result from benefit payments with respect to weeks following the filing of the additional claim. This is be

cause Company B meets the definition of a last employer with respect to the period of unemployment following the filing of the additional claim.

Example 3: Prior to his claim for unemployment benefits, the individual is employed on an as-needed, part time basis (some weeks the individual might work four days, other weeks he might not work at all) for Company A, a liable, contributing employer. While so employed by Company A, the individual is also employed on a full time basis for Company B, a liable, contributing employer. The individual is laid off by Company B and is offered two days of work by Company A. After working for these two days, no other work is currently available with Company A, and the individual files a claim for benefits. If the individual had been employed by Company A for at least 30 days from the beginning of his base period to the date that he files his claim for benefits, Company A will be liable for any benefit charges which might accrue as a result of any benefits which might be paid to this individual. This is because, despite the individual's full time employment with Company B, the individual's last employer for whom he provided services of at least 30 days during the applicable period was Company A. Section 2765.330 does not apply in this case because the employer will not continue to provide substantially the same employment in the next week as it did in the previous four weeks (see Section 2765.330(c)).

Example 4: Assuming the same facts as in Example 3, except that, instead of being an as-needed employee, the individual continues to provide less than full time services to Company A on the same basis and in substantially the same amount, as defined in Section 2765.330, in the week that he files his claim as he did in the four previous weeks. Then, pursuant to Section 1502.1C of the Act (Ill. Rev. Stat., 1987, ch. 48, par. 572.1C), if Company A files a timely and sufficient Appli-

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cation for Revision of its BEN-118, Statement of Benefit Charges, its charges shall be removed, and Company B shall be liable for the individual's benefit charges.

Example 5: The individual is a substitute teacher. Whenever she is available to teach, she calls in for assignments with her school district, a local governmental entity which has elected to make payments in lieu of contributions. During the first semester of the school year, she teaches only 32 days. She, however, did not work for the school district during her base period. If she now files a claim for benefits, her school district will be liable for 50% of any payments in lieu of contributions which would result if she would be paid benefits. This is because, despite her services being performed over a five month period, the school district is the last employer prior to her claim for benefits and she has provided the required 30 days of services during the applicable period. The employer is only liable for 50% of the amount of the benefits paid because the individual performed no services for this employer during her base period (see Section 1405B of the Act, Ill. Rev. Stat., 1987, ch. 48, par. 555B).

Example 6: The individual is employed for approximately 25 days during his base period for City A, a local governmental entity which has elected to make payments in lieu of contributions. He then works for Company B, a liable, contributing employer for approximately ten months. After being laid off by Company B, he is again employed by City A which then lays him off after five days. City A will be liable for payments in lieu of contributions equal to 100% of the benefits paid to this individual. This is because City A is the individual's last employer prior to the date that he filed his claim for unemployment insurance benefits, and this individual was employed for at least 30 days beginning with the start of his base period and prior to the filing of his claim. City A is liable for

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100% of the benefits paid because, in addition to being the last employer as provided in this paragraph, the individual also provided services for this employer during his base period. If this employer had met the requirements to be the last employer but this individual had not provided services to this employer during his base period, then this employer would have been liable for only 50% of the payments in lieu of contributions made to this individual as in Example 5.

Example 7: The individual is employed by Company A, a liable, contributing employer, for one year before being laid off and filing his initial claim for benefits. Prior to working for Company A, he was employed during his base period for 20 days for Company B, a liable, contributing employer. After receiving benefits for two weeks, the individual again finds work with Company B, where he remains employed for 15 days before again being laid off. Company B will be the individual's last employer with respect to benefit charges which result from payments made after this individual's most recent separation (following his additional claim). However, Company A remains liable for the two weeks of benefit charges which resulted from the individual's first separation since it was the last employer with respect to that separation.

Example 8: The individual is employed by several different employers from the beginning of his base period until he first files a claim for benefits. However, he does not provide services for at least 30 days to any single employer during this period. Therefore, there is no "last employer" under paragraph (a) and no employer will be liable for either the benefit charges or payments in lieu of contributions as a result of payments made to this individual during this claim for benefits.

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- b) The 30 day requirement, set forth in paragraph (a), shall include any day on which any services are performed for the employer by the individual or any day for which the employer's liability to pay remuneration accrues prior to the date of separation even though no services are performed on that day. For the purposes of this Section, even if a shift covers two calendar days, only one day shall be included in determining whether the 30 day requirement has been met. Paid sick days, vacation days, holidays or other similar paid, non-working days shall be counted toward meeting the 30 day requirement. Payments for wages in lieu of notice, pension or other retirement type payments or for severance pay do not meet the requirements of this Section because they shall be deemed to be paid for a period after the date of separation.

Example 1: The individual works a shift which begins at 10 pm and ends at 7 am the next day. While this individual performs services for this employer on two calendar days, for the purpose of determining whether the 30 day requirement set forth in paragraph (a) has been met, the individual's shift counts as only one day of service.

Example 2: The individual begins his shift at noon but becomes ill fifteen minutes later. Since the individual performed services for the employer for fifteen minutes, one day is counted toward meeting the 30 day requirement set forth in paragraph (a).

Example 3: The individual is scheduled to work on a certain day but fails to report for work because he is ill. If the employer provides paid sick leave to the individual for that day, it is counted toward the 30 day requirement set forth in paragraph (a). However, if the employer has a policy which provides that no pay is granted for a day of illness without a doctor's note and the employer does not pay the individual for this day because the individual does not present a doctor's note, then this day is not counted toward the 30 day requirement.

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Example 4: The individual receives paid sick leave from Organization A, a not-for-profit corporation which elects to make payments in lieu of contributions, for 35 days during his base period. He has no other employment with Organization A during his base period. He also performs services during his base period for Company B, a liable, contributing employer. After being laid off by Company B, he returns to Organization A for 25 days before being again laid off. Organization A will be liable for an amount equal to 100% of the benefits paid to this individual as payments in lieu of contributions. This is because Organization A is the last employer of this individual; the 30 day requirement is met by the combination of the individual's paid sick leave and employment; and the paid sick leave constitutes wages for insured work paid during the individual's base period.

Example 5: Upon the permanent layoff of an individual, the employer pays that individual for any unused, accrued vacation time that the individual is due and grants him severance pay in the amount of one day's pay for each year of continuous service. These payments, because they accrue after the date of separation, are not included for the purpose of determining whether this employer has met the 30 day requirement.

- c) An employing unit which is not subject to the Act is not an employer and, therefore, cannot be a "last employer."

Example 1: An individual is employed during his entire base period for Company A, a liable, contributing employer. He then leaves Illinois and obtains work in California for an employing unit which is not liable under the Act. If this individual is laid off from his California job and files a claim against Illinois based on his Illinois base period wages, Company A shall be liable for any benefit charges which result from payments made to

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this individual. This is because the California employing unit is not an employer under the Act and, therefore, cannot be the last employer under this Section. Since Company A meets the requirements of paragraph (a) to be the last employer, it will be liable for the benefit charges.

Example 2: An individual is employed during his entire base period for Company A, a liable, contributing employer. After being laid off by Company A, he works for at least 30 days for the U. S. Postal Service, which is not an employer under the Act and for which reimbursement for any benefits paid is determined pursuant to Federal Regulations. He is then laid off by the Postal Service. If this individual files a claim for benefits, Company A will be liable for any benefit charges which result from payments to this individual. Since the Postal Service is not an employer, it cannot be the "last employer." Therefore, Company A is the last employer.

Example 3: An individual is employed during his entire base period for Company A, a liable, contributing employer. After being laid off by Company A, he works for at least 30 days for the State of Illinois, which is an employer under the Act. If this individual files a claim for benefits, no employer will be liable for any benefit charges or for any payments in lieu of contributions which might otherwise result from any benefits paid to this individual. This is because, while the State of Illinois is the "last employer" under paragraph (a), it is not subject to either benefit charges or payments in lieu of contributions. Liability for amounts due for benefits paid to former state employees is covered by Section 1403 of the Act (Ill. Rev. Stat., 1987, ch. 48, par. 553).

(Source: Added at 13 Ill. Reg. _____, effective _____)

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Section 2675.328 When The "30 Day" Requirement Of Section 1502.1B(2) Is Inapplicable Because The Individual Requalified For Benefits

- a) If, subsequent to a disqualification pursuant to Sections 601, 602 or 603 of the Act (Ill. Rev. Stat., 1987, ch. 48, pars. 431, 432 or 433), the individual has been employed by an employer who meets the requirements of Section 2765.325 as a "last employer," and then files a claim for benefits, this Section shall be inapplicable, and Section 2765.325 shall apply in determining which employer shall be liable for the individual's benefit charges or for payments in lieu of contributions. However, if the individual has not been employed by an employer who meets the requirements to be a "last employer," but the individual has had sufficient employment to meet the requalification requirements of Sections 601, 602 or 603 of the Act, then this Section shall apply.

- b) In addition to the requirements set forth in paragraph (a), in order for this Section to apply, the following factors must be present:

1. The individual must have been held ineligible under the provisions of Section 601, 602 or 603 of the Act by the claims adjudicator, Referee, Board of Review or Court, and the determination or decision has become final.

Example: The individual quits his job of two years with Company A, a liable, contributing employer, to accept a job with Company B, a liable, contributing employer, and performs services for Company B on a full time basis for two weeks before being laid off due to lack of work. When this individual files his claim, Company A files a protest and alleges that the individual quit his job without good cause attributable to it. The claims adjudicator holds that, under Section 601B(2) of the Act (Ill. Rev. Stat. 1987, ch. 48, par. 431B(2)), this individual is not subject to disqualification because he accepted other bona fide work and was not unemployed in each of two weeks. Since Company B had not

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employed the individual for 30 days since the beginning of his base period, it is not the last employer pursuant to Section 2765.325. Since Company A was the last employer to employ this individual for at least 30 days since the beginning of his base period, Company A will be liable for any benefit charges which might accrue as a result of any payments made to this individual.

2. The individual must have returned to work after the beginning of the period of the ineligibility and have purged this ineligibility by having earned an amount equal to or in excess of his current weekly benefit amount in each of four calendar weeks.

c)

If the requirements of paragraphs (a) and (b) are satisfied, the last employer for whom the individual provided services which satisfied the qualification provisions of Sections 601, 602 or 603 of the Act shall be liable for any benefit charges or payments in lieu of contributions, as the case may be, which might accrue as a result of benefits being paid to this individual.

Example 1: The individual is adjudicated to be ineligible for benefits by the claims adjudicator, Referee, Board of Review or court as a result of his discharge for misconduct by Company A, a liable, contributing employer. Thereafter, he returns to work and performs services for Company B, a liable, contributing employer, on three days per week for four weeks and is then laid off. However, he does earn an amount in excess of his weekly benefit amount in each of these weeks. He then performs services for Company C for three days and is laid off for lack of work. The individual is eligible for benefits because he met the qualification requirements of Section 602. Company B will be liable for any benefit charges which accrue as a result of any benefits paid to the individual because Company B is the last employer for whom this individual provided services with which he disqualified

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for benefits. The 30 days of service requirement of Section 1502.1B(2) is inapplicable because this individual requalified after a period of ineligibility under Sections 601, 602 or 603 of the Act.

Example 2: The facts are the same as in Example 1 except that the individual is employed by Company C, a liable, contributing employer, for thirty days. Company C is liable for any benefit charges which might accrue as this Section is inapplicable because the 30 day requirement of Section 2765.325 has been met.

Example 3: The individual is discharged by Company A, a liable, contributing employer, after six months of employment, but the claims adjudicator finds that the reason for discharge does not constitute misconduct. The individual then returns to work for Company B, a liable, contributing employer, and performs services for Company B on three days per week for four weeks. He is then laid off by Company B and performs services for Company C for three days before being laid off. The individual now files a claim for benefits. Company A shall be liable for any benefit charges which accrue as a result of benefits paid to this individual because Company A is the last employer for whom this individual provided at least 30 days of service.

Example 4: The individual is separated due to either a voluntary leave or a discharge from his job of six months with Company A, a liable, contributing employer. He immediately accepts another job with Company B, a liable, contributing employer, and performs services for five days per week for four weeks before being laid off due to lack of work. During his employment with Company B, the individual earned sufficient wages to purge any possible ineligibility which might have been imposed under Section 601 or 602 of the Act. The individual now files a claim for benefits. Company A shall be liable for any benefit charges which accrue as a result of benefits paid to this individual. Because the

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individual did not file a claim following his separation from Company A, the claims adjudicator did not find him ineligible for benefits under Section 601 or 602 and, therefore, there is no requalification by the subsequent employment. Instead, any possible ineligibility is purged by his services with Company B. Additionally, since the individual did not perform services for Company B for at least 30 days, Section 2765.325 is not applicable. A different result would be reached if this individual had filed his claim following his separation from Company A and had the claims adjudicator determined that the individual was discharged for misconduct connected with his work or had voluntarily left work without good cause attributable to the employer.

Example 5: The individual is discharged from his job with Company A, files a claim for benefits and is held to be ineligible for benefits under Section 602 of the Act by the claims adjudicator. The individual then performs services for five days during a week for Company B and is laid off for lack of work. He then performs services for Company C for five days per week for two weeks before being again laid off. He then performs services for Company D for five days during one week before being laid off. The individual now files an additional claim for benefits and is no longer ineligible for benefits because his four weeks of subsequent employment satisfy the requalification requirements of Section 602 of the Act. Company D will be liable for any benefit charges which accrue as a result of any benefits paid to the individual because Company D is the last employer for which individual provided services with which he requalified for benefits. The 30 days of service requirement of Section 1502.1B(2) is inapplicable because this individual requalified after a period of ineligibility under Section 602 of the Act.

(Source: Added at 13 Ill. Reg. _____, effective _____)

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Section 2765.330 Application of Sections 1404B(7), 1405B(6) And 1502.1C Of The Act To Employers Who Continue To Provide Individuals With Less Than Full Time Work

- a) If an individual was employed on a part time basis by an employer and by a second employer at the same time during his base period and that first employer continues to provide such part time work to the individual during his claim series, as defined in 56 Ill. Adm. Code 2720.1, on the same basis and in substantially the same amount as previously provided, the 30 day requirement, provided for in Section 2765.325, can be met only with services performed after such employer fails to continue to provide such part time work to the individual on the same basis and in substantially the same amount as previously provided.

- b) For purposes of the application of this Section, "full-time work" and "part-time work" shall have the meanings set forth in 56 Ill. Adm. Code 2720.1.

- c) Except as provided in subsection (d), "in substantially the same amount" shall mean that the number of hours that an individual is scheduled for any week cannot be more than twenty-five percent less than the average number of hours that he had been scheduled in each of the four immediately preceding weeks. This requirement shall be applied on a weekly basis and is applicable only during the claim series.

Example 1: The individual was employed on a part time basis by the employer during his base period while working full time for another employer. After being laid off by the other employer, the individual files a claim for benefits. During the individual's claim series, the part time employer continues to provide part time work to this individual. Due to a slack in the employer's business, the individual is scheduled to work only ten hours during the week ending September 2, 1989. During the four previous weeks he had been scheduled an average of twenty hours per week. Since his schedule for this week is more than twenty-five percent (in this case, five hours) less than the average number of hours that he had been scheduled for the four previous weeks, the individual is not

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employed for this week on substantially the same basis as the prior four week period and, therefore, the time for counting the thirty day period required by Section 1502.1 of the Act shall begin with the week ending September 9, 1989.

Example 2: For over two years, an individual is employed on a full time basis with Company A and, at the same time, works part time for Company B, both liable, contributing employers. The individual is then laid off by Company A but continues to work part time for Company B on the same basis and in substantially the same amount as previously provided. Two months later, this individual realizes that he may be eligible for reduced unemployment benefits and files an initial claim. If Company B files a timely and sufficient Application for Revision of its BEN-118, Statement of Benefit Charges, Company A will be held liable for any benefit charges which might accrue. Company B has not met the 30 day requirement because no services were performed for Company B subsequent to the discontinuance of the part time employment. Only services for Company B which are performed after Company B fails to provide part time employment to the individual on the same basis and in substantially the same amount as previously provided can be counted toward meeting the 30 day requirement of Section 2765.325. Since the claim series has begun, even if Company B should now discontinue the individual's part time employment, Company B will not become liable for any subsequent benefit charges until this individual has provided 30 days of employment to Company B after the date of the discontinuance of the part time employment.

Example 3: Where an individual is employed on a part time basis but only works every other week, the provisions of this Section do not apply. This is because the "substantially the same amount" requirement is judged on a weekly basis and such a reduction will always exceed the 25% criterion set forth in this Section.

d)

Whenever an employer who employs an individual on a part time basis during his base period and continues to provide such part time work to the individual on the same basis and in substantially the same amount during the individual's claim for unemployment benefits is assigned benefit charges for such individual on its BEN-118, Statement of Benefit Charges or is charged for payments in lieu of contributions on its BEN-118R, Statement of Amounts Due, it must file a timely and sufficient Application for Revision, as set forth in Section 2725.100, requesting that the charges or payments in lieu of contributions be removed. Such Application for Revision must allege that the employer met the requirements of Section 2765.335(b). If such Application for Revision is allowed, the benefit charges or payments in lieu of contributions, as the case may be, which had been assigned to such employer shall instead become the benefit charges or payments in lieu of contributions, as the case may be, of the next earlier employer who meets the requirements of Section 2765.325.

Example: The individual is employed on a full time basis for City A, a local governmental entity which has elected to make payments in lieu of contributions, for almost two years before being laid off. At the same time, he is employed on a part time basis for Company B, a liable, contributing employer, which continues to provide such part time work to the individual on the same basis and in substantially the same amount as it previously provided. Because the individual provided service to Company B after his lay off from City A and before the date on which the individual filed his claim for benefits and because the individual's services with Company B satisfied the 30 day requirement of Section 2765.325, Company B is the individual's last employer and will be assigned any benefit charges which result from payments made to this individual. Company B has complied with the requirements of Section 2765.335(b) and brought this matter to the attention of the claims adjudicator. Upon receipt of its BEN-118, Statement of Benefit Charges, if Company B has continued to provide such part time work to this individual on the same basis and in the same amount

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as previously provided, it should file an Application for Revision of its Statement of Benefit Charges. If the Application for Revision is allowed, City A will become this individual's last employer with respect to all weeks of payment removed from Company B, and City A will become liable for 100% of the payments in lieu of contributions for these weeks.

- e) Any week in which the individual requests that the employer not schedule him to work shall not be judged in determining whether the requirements of this Section have been met.

Example: An individual is employed on a part-time basis for Company A while he is working full-time for Company B. For the week ending September 2, 1989, this individual requests not to be scheduled to work for Company A because he is required to work several hours of overtime this week for Company B. The fact that the individual is not scheduled to work for Company A during this week does not mean that this individual has not continued to be employed for Company A on substantially the same basis as previously provided.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 2765.332 Effect Of Ineligibility Under Section 602B On "Last Employer" Charging

Pursuant to Section 602B of the Act (Ill. Rev. Stat. 1987, ch. 48, par. 432B), whenever it is determined that an individual has been discharged for the commission of a felony or theft connected with his work and that the employer has met certain conditions set forth in that subsection of the Act, all wages earned by the individual prior to the date of discharge shall be cancelled, thus making the individual ineligible for benefits on the basis on such wages. Despite the cancellation of the employer's wages under Section 602B, it is possible that the individual could qualify for benefits on the basis of base period wages earned subsequent to the date of discharge for the felony or theft connected with the work. Under such circumstances, if the employer who discharged the individual for the felony or theft connected with the work meets the requirements of Section 1502.1 of the Act and this Subpart, it will be the individual's "last employer" and will be subject to benefit charges

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or be liable for any payments in lieu of contributions which result from any benefit payments made to the individual.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 2765.333 Effect Of Ineligibility Under Section 612 On "Last Employer" Charging

Pursuant Section 612 of the Act (Ill. Rev. Stat. 1987, ch. 48, par. 442), an individual shall be ineligible, on the basis of wages earned from an education institution or educational service agency, as defined in 56 Ill. Adm. Code 2915.1, between academic years or terms and during vacation periods or holiday recesses if the individual was employed by an educational institution or educational service agency during the first of two successive academic years or terms or prior to a vacation period or holiday recess and has a reasonable assurance of employment with an educational institution or educational service agency in the succeeding academic year or term or following the vacation period or holiday recess (see 56 Ill. Adm. Code 2915.5). If such individual has base period wages from non-educational employers, he can still qualify for benefits on the basis of these wages. If such an individual's last employer, as determined pursuant to this Subpart, is the educational institution or educational service agency, that employer will be liable for any payments which result from the individual's eligibility based on his non-educational services.

Example: An individual is employed as a teacher for a public school. However, during his base period, he earned sufficient wages from a non-educational employer to qualify for benefits. Even if this individual is held to be ineligible during a period between academic terms on the basis of his wages from the public school, he could still qualify for benefits based on his wages from the non-educational employer. If the public school is the individual's last employer pursuant to this Part, the public school would still be liable for any benefit charges which might accrue as a result of payments to that individual. If the public school had elected to make payments in lieu of contributions, the amount of such reimbursement would be 100% if the public school paid wages to the individual during his base period even if these wages are not used to determine his eligibility.

(Source: Added at 13 Ill. Reg. _____, effective _____)

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"Last Employer" Charging

Pursuant to Section 614 of the Act (Ill. Rev. Stat. 1987, ch. 48, par. 444), an individual shall be ineligible, on the basis of wages earned during his base period unless he was either lawfully admitted to this country for permanent residence or otherwise is permanently residing in this country under color of law. Because this ineligibility could effect some, but not all, of the individual's base period wages, it is possible that the individual could be held ineligible under Section 614 of the Act but still qualify for benefits based on base period wages paid after he was either lawfully admitted to this country for permanent residence or otherwise is permanently residing in this country under color of law. Under such circumstances, if the employer who employed the individual before he was either lawfully admitted to this country for permanent residence or otherwise is permanently residing in this country under color of law meets the requirements of Section 1502.1 of the Act and this Subpart, it will be the individual's "last employer" and will be subject to benefit charges or be liable for any payments in lieu of contributions which result from any benefit payments made to the individual.

Example: The individual applied for and was granted permanent resident status on July 1, 1988. He worked for Company A, a liable, contributing employer, continuously from January 1, 1988 to June 30, 1988, performing services for Company A for in excess of 30 days. Thereafter, the individual performed services for various employers, none of whom meets the requirements of Section 1502.1 of the Act and this Subpart to be the individual's "last employer." His base period began on January 1, 1988. Under Section 614 of the Act, the individual is not eligible for benefits based on the wages during prior to July 1, 1988 because he was not either lawfully admitted to this country for permanent residence or otherwise is permanently residing in this country under color of law during this time. However, he might still be eligible for benefits based on his earnings during the third and fourth quarters of 1988. Company A will still be the individual's "last employer" because the individual was employed by Company A for 30 days from the beginning of his base period to the beginning of claim for unemployment insurance benefits.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 2765.335 Procedural Requirements And Right Of Appeal

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- a) Pursuant to Section 701 of the Act (Ill. Rev. Stat., 1987, ch. 48, par. 451), whenever the Claims Adjudicator decides that an employer is the "last employer" as provided in Sections 2765.325, 2765.328 or 2765.330, he shall promptly notify the employer of this decision and the period for which the decision is effective.
- b) If the employer disagrees with the decision of the claims adjudicator that he is the "last employer," the employer must file a written request for reconsideration of this decision within 10 days of the date of mailing of the decision.
- c) A request for reconsideration of the decision of the claims adjudicator must comply with the requirements of 56 Ill. Adm. Code 2720.130 and specify the full name and social security number of the individual and the reasons why the employer believes that it is not the last employer under Sections 2765.325, 2765.328 or 2765.330.
- d) After reviewing the allegations of the employer and any other relevant facts in the record, the claims adjudicator shall issue a reconsidered decision. If the employer disagrees with the reconsidered decision of the claims adjudicator that he is the "last employer," the employer must file a written appeal of this reconsidered decision within 30 days of the date of mailing of the reconsidered decision.
- e) An Application made pursuant to Section 1508 of the Act and 56 Ill. Adm. Code 2725.100 regarding revision of the "Statement of Benefit Charges," which includes benefit charges which the employer believes are incorrect because it is not the "last employer" shall be sufficient only if such Application contains a reference to and a copy of decision which reverses the claims adjudicator and holds that the employer is not the "last employer." These same requirements must be met by an employer which is questioning payments in lieu of contributions on its "Statement of Benefits Paid." If the employer is seeking revision of his "Statement of Benefit Charges" or "Statement of Benefits Paid" based on the application of Section 2765.330, a sufficient Application need not include a reference to or a copy of a decision under that

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Section since, as provided in subsection (f), an appeal under that Section is not a prerequisite to an Application for revision under this Section.

- f) Unless the employer has filed a timely request for reconsideration to the decision that the claims adjudicator has found it to be the "last employer," pursuant to Sections 2765.325 and 2765.328, such employer shall not be entitled to a revision of its "Statement of Benefit Charges" under 56 Ill. Adm. Code 2725.100 nor shall it be entitled a revision of the amounts shown on its "Statement of Benefits Paid" for payments in lieu of contributions.

- g) Appeals of decisions under this Section shall be filed with the local office where the original decision was made.

- h) The conduct of the hearing shall be the same as that provided under Section 2200 of the Act and 56 Ill. Adm. Code 2725.

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Numbers: Proposed Action:
1220.140 Amending
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111, par. 2305
- 5) A Complete Description of the Subjects and Issues Involved:

These proposed amendments set forth up-dated and detailed minimum curriculum standards that a dental program shall meet in order to be approved by the Department upon the recommendation of the Board.

In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the Commission on Dental Accreditation of the American Dental Association.

The Department, upon the recommendation of the Board, has determined that all of the dental programs accredited by the Commission on Dental Accreditation of the American Dental Association as of January 1989, meet the minimum curriculum criteria set forth and are, therefore, approved.

- 6) Will these proposed Amendments replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed Amendments contain incorporations by reference? No
- 9) Are there any other proposed Amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

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All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 10, 1989
- B) Types of small businesses affected: Dental Colleges
- C) Reporting, bookkeeping or other procedures required for compliance: N/A
- D) Types of professional skills necessary for compliance: N/A

The full text of the Proposed Amendments begin on the next page.

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220
DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section	
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.160	Restoration

SUBPART B: DENTAL HYGIENIST

1220.210	Applications
1220.220	Clinical Examination
1220.230	System of Grading
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration

SUBPART C: DENTAL SPECIALIST

1220.310	Applications
1220.320	Examination
1220.330	System of Grading
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration

SUBPART D: GENERAL

1220.400	Reportable Diseases and Conditions
1220.410	Endorsement
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals
1220.441	Granting Variances
1220.500	Definitions
1220.510	Light Parenteral Conscious Sedation
1220.520	General Anesthesia and Deep Parenteral Conscious Sedation

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SUBPART E: ANESTHESIA PERMITS

1220.530 Anesthesia Review Panel
 1220.540 Approved Programs in Anesthesiology
 1220.550 Reporting of Adverse Occurrences
 1220.560 Restoration of Permits

1220.Appendix A Pre-clinical Restorative Dentistry Sub-section (Repealed)
 1220.Appendix B Dental Assistant Permitted Procedures
 1220.Appendix C Dental Hygienist Permitted Procedures

AUTHORITY: Implementing The Illinois Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. No. 42, 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. _____, effective _____.

Note: Capitalization Denotes Statutory Language

Section 1220.140 Minimum Standards for an Approved Curriculum in Dentistry

- a) General---requirements---The---curriculum---in---dentistry---comprises instruction---totaling---approximately---4,000---hours---more---or---less---equally divided---throughout---a---four---year---period---Instruction---is---provided---by---the traditional---means---of---lecture---seminar---conference---laboratory---and clinical---practice---complemented---by---opportunities---for---increasing numbers---of---programmed---self---instructional---learning---experiences---For the---first---two---years---the---student---dentist---stresses---learning---in---the general---medical---sciences---upon---which---clinical---practice---is---built. Precinctual---technical---courses---which---prepare---the---student---for---treating patients---in---the---upper---class---years---are---offered---concurrently---In---the third---and---fourth---years---the---student---shall---spend---a---majority---of---his---time in---supervised---clinical---practice.

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b) Specific-course-requirements

- 1) Dental-Clinical-Science---This-program-introduces-the-first-year student-to-clinical-dentistry-by-reproducing-situations-which arise-when-a-new-patient-enters-the-dental-office---It-consists-of information-gathering-and-correlation-of-information-for-diagnosis and-treatment-planning---Introduction-to-techniques-of-plaque control-and-prophylaxis---Lectures-on-oral-anatomy-examination, charting---impression-taking---plaque-control---prophylaxis---and rubber-dam-application---(60-clock-hours---20-clock-hours-lecture, 40-clock-hours-clinical.)
- 2) Radiology---The-first-year-course-presents-the-physical-principles of-X-rays-used-in-dentistry---the-production-of-quality-radiographs and-the-employment-of-such-radiographs-as-an-oral-diagnostic-aid--- (20-clock-hours-lecture.)
- 3) Biochemistry---Introductory-course-designed-to-provide-a-basic knowledge-of-how-cells-function-at-the-molecular-level---includes structure---and---function---relationships---in---carbohydrate---lipid, protein-and-nucleic-acid-metabolism---(60-clock-hours-lecture.)
- 4) Histology---This-course-includes-microscopic-structure-function, development-and-maintenance-of-the-tissues-of-the-body---The course-also-includes-microscopic-and-submicroscopic-structure-and the-relationships-of-cells-and-their-environment---(20-clock-hours---80-clock-hours-lecture, 40-clock-hours-clinical.)
- 5) Oral-Histology---A-course-in-the-microscopic-anatomy-and-functions of-the-tooth-periodontium-and-other-oral-structures---Emphasis-is placed-upon-the-cyologic-and-histologic-features-of-the-oral structures-and-the-biologic-basis-for-clinical-procedures-applied to-these-structures---(60-clock-hours---40-clock-hours-lecture, 20-clock-hours-clinical.)
- 6) Gross-Anatomy-for-the-Dental-Student---Dissection-of-the-human body---consideration-of-functional-and-clinical-implications-of regional-anatomy---(200-clock-hours---50-clock-hours-lecture, 150-clock-hours-clinical.)
- 7) Neuroanatomy---Development---gross-and-microscopic-structure-of-the central-nervous-system-and-function---(40-clock-hours---20-clock-hours-lecture, 20-clock-hours-clinical.)
- 8) Microbiology-for-the-Dental-Student---(80-clock-hours---40-clock-hours-lecture, 40-clock-hours-clinical.)

A) General---properties---structure---genetics---of---microorganisms,

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methods--of--cultivation--identification--and--control--of
microorganisms.

B) Mechanisms--by--which--the--body--responds--to--infection--and
antigenic-stimulation--i.e., host-defense.

C) Microorganisms--as--agents--of--human--disease--Greatest-emphasis
is--placed--on--those--microorganisms--causing--systemic--disease
with--oral--manifestations.

9) Applied--Nutrition--in--Clinical--Dentistry--The--principles--of
nutrition--as--applied--to--the--prevention--of--dental--disease--and--the
maintenance--of--optimal--dental--health.

10) Occlusion--I--The--physiology--of--the--stomatognathic--system--The
use--of--clinical--instrumentation--The--form--and--function--of--the
masticatory--system--Basic--procedures--necessary--for--diagnosis--and
for--the--evaluation--of--occlusion--are--taught--The--use--of--the
articulator--(30-clock-hours--10-clock-hours--Lecture--20-clock
hours--Clinicall)

11) Occlusion--II--The--study--in--depth--of--the--functional--and
parafunctional--tooth--contacts--and--the--influence--of--various--factors
in--the--morphology--of--the--teeth--in--restorative--procedures--
Developing--a--functional--occlusion--in--wax--on--standardized--models
mounted--on--the--articulator--Clinically--applicable--techniques--for
developing--an--optimal--occlusion--in--restorative--dentistry
procedures--(30-clock-hours--10-clock-hours--Lecture--20-clock
hours--Clinicall)

12) Oral--Biology--The--structure--and--function--of--the--human--teeth--and
the--associated--soft--parts--The--morphogenetics--and--history--of
the--human--dentition--are--also--treated--in--a--simplified--way--(40
clock-hours--20-clock-hours--Lecture--20-clock-hours--Clinicall)

13) Dental--Materials--The--application--of--basic--principles--of
chemistry--physics--and--materials--science--in--dental--materials--with
emphasis--on--physical--and--chemical--properties--manipulation--and
technique--variables--and--the--interrelationship--of--various--materials
used--in--dentistry--(50-clock-hours--20-clock-hours--Lecture--30
clock-hours--Clinicall)

14) Operative--Dentistry--Technics--I--An--introduction--to--the--basic
principles--of--operative--dentistry--which--accentuates--the--biological
processes--of--dental--caries--methods--and--forms--of--cavity--preparation
and--the--indications--for--restorative--dental--materials--(120-clock
hours--30-clock-hours--Lecture--90-clock-hours--Clinicall)

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15) Radiology--In--the--second--year--class--the--student--learns--to--take--
process--and--mount--a--full--set--of--periapical--radiographs--(16)
utilizing--the--bisecting--angle--technique--Each--student--is--expected
to--take--process--and--mount--a--set--of--bite-wing--radiographs--(4)--
(10-clock-hours--2-clock-hours--Lecture--8-clock-hours--Clinicall)

16) Pathology--General--principles--of--tissue--response--to--injury--
Special--emphasis--on--inflammation--immunopathology--hematologic
disorders--including--bleeding--and--clotting--disturbances--and
neoplasia--(30-clock-hours--Lecture--and--Clinicall)

17) Systems--Pathology--Study--of--various--organ--systems--and--their
diseases--(30-clock-hours--Lecture--and--Clinicall)

18) Physiology--for--the--Dental--Student--The--major--concepts--involved--in
the--regulation--of--living--processes--are--introduced--(90-clock
hours--50-clock-hours--Lecture--40-clock-hours--Clinicall)

19) Oral--Pathology--A--course--dealing--with--the--diseases--of--the--teeth--
periodontium--mandible--and--maxilla--muscles--and--nerves--of--the--oral
region--oral--mucous--membranes--and--salivary--glands--The--causes--of
the--various--diseases--the--development--of--the--lesions--and--their
microscopic--appearance--are--emphasized--(80-clock-hours--40-clock
hours--Lecture--40-clock-hours--Clinicall)

20) Growth--and--Development--I--Introduction--to--growth--and
development--Types--and--methods--of--growth--study--handling--of
growth--data--skeletal--biology--and--growth--of--the--cranio-facial
complex--development--of--the--dentition--growth--mechanisms--and
controls--(10-clock-hours--Lecture)

21) Preventive--Medicine--Principles--of--prevention--of--disease--by
individual--professional--practitioners--and--through--community
measures--Definition--of--disease--and--classification--by--causation--
Role--of--epidemiology--in--the--collection--and--interpretation--of
essential--information--and--to--evaluate--results--of--preventive
measures--(10-clock-hours--Lecture)

22) Internal--Medicine--for--Dental--Students--The--principles--of--internal
medicine--and--aspects--of--common--diseases--(20-clock-hours--Lecture)

23) Cariology--Dental--caries--and--its--prevention--(10-clock-hours
Lecture)

24) Oral--Surgery--Lectures--designed--to--prepare--the--student--for--basic
oral--surgery--as--practiced--by--the--generalist--covering--history
taking--patient--evaluation--oral--head--and--neck--examination--
aseptic--technique--instrumentation--route--and--and--completed

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exodontia, operative and postoperative care, diagnosis and treatment of acute and chronic infections of dental etiology, 40 clock hours-Lecture and Clinical.

25) Pain-Control-Lectures-on-regional-anesthesia-including-the anatomy-and-physiology-basis-for-injection-techniques, pharmacology-of-local-anesthetic-solutions-and-vasoconstrictors and post-treatment-pain-control, 42 clock hours, 8 clock hours Lecture, 4 clock hours-Clinical.

26) Occlusion-III, 40 clock hours, 10 clock hours-Lecture, 30 clock hours-Clinical.

A) Analysis-of-occlusion-treatment-planning-and-methods-for treating-the-occlusion-The-study-of-Parafunction, indications-and-criteria-for-correction-of-malocclusions-and the-techniques-for-accomplishing-this.

B) Upon-completion-of-the-course-the-student-should-be-able-to determine-whether-or-not-a-patient-has-occlusal-problems-and by-what-method-they-should-be-corrected-The-student-should be-thoroughly-familiar-with-the-technique-of-occlusal adjustment-by-selective-grinding.

27) Operative-Dentistry-Techniques-II-Preclinical-course-for-operative dentistry-which-simulates-clinical-situations-with-the-utilization of-metals-and-mannequins-The-utilization-of-modern-dental materials-cast-gold-antifer-restorative-materials-and-silver amalgam-in-detail, 40 clock hours, 10 clock hours-Lecture, 30 clock hours-Clinical.

28) Periodontics-Techniques-Preclinical-laboratory-course-devoted-to restorative-dentistry-in-the-primary-and-young-permanent dentition-Cavity-preparations-for-silver-amalgam-preparation and-placement-of-stainless-steel-crowns-and-composite-restorative materials-are-taught-using-the-dentoform-and-extracted-teeth, 30 clock hours, 10 clock hours-Lecture, 20 clock hours-Clinical.

29) Endodontic-Techniques-Biologic-and-mechanical-principles-in endodontics-particularly-as-related-to-root-canal-therapy-The technical-procedures-in-root-canal-therapy-are-practiced-in-the technique-laboratory-on-extracted-teeth-mounted-to-the-jaw compartments-of-a-dentoform-mannequin-outfit-simulating-the patient, 70 clock hours, 20 clock hours-Lecture, 50 clock hours-Clinical.

30) Fixed-Partial-Prosthetic-Techniques-Fundamental-techniques-in-the construction-of-fixed-prostheses, Restoration-on-models-and

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mannequins-of-lost-tooth-structure-with-crowns-and-the-replacement of-missing-teeth-with-fixed-partial-dentures, 160 clock hours, 40 clock hours-Lecture, 120 clock hours-Clinical.

31) Prosthodontics-Techniques-Complete, 80 clock hours, 20 clock hours-Lecture, 60 clock hours-Clinical.

A) A-course-on-a-basic-complete-denture-concept-and-technique-with consideration-given-to-the-biological-basis-for-each procedural-step.

B) Additional-emphasis-is-given-to-the-various-occlusal-patterns used-in-complete-denture-prosthodontics.

32) Prosthodontic-Techniques-Partial-A-course-on-the-theory-of prosthetic-occlusion-for-complete-and-removable-partial-dentures and-the-surveying-and-designing-of-removable-partial-dentures-with a-consideration-of-the-biologic-aspect-of-dental-prostheses, 40 clock hours, 10 clock hours-Lecture, 30 clock hours-Clinical.

33) Periodontic-Techniques-Laboratory-exercises-in-techniques-related-to periodontal-treatment-Exercises-in-temporary-splinting-gingival and-osseous-surgery-flap-design-and-suturing-are-carried-out-on mannequins, 60 clock hours, 30 clock hours-Lecture, 30 clock hours-Clinical.

34) Pharmacology-for-the-Dental-Student-The-principles-of pharmacology-are-presented-with-special-emphasis-on-drugs-for preoperative-medication-and-the-management-of-pain, Pharmacodynamics-nomenclature-classification-and-therapeutics, including-prescription-writing-are-covered, 70 clock hours, 40 clock hours-Lecture, 30 clock hours-Clinical.

35) Growth-and-Development-II

A) Neuromuscular-and-soft-tissue-development-static-occlusal relations-and-homeostasis-of-the-dentition-biomechanical-and histologic-concepts-in-teeth-movement-classification-and etiology-of-malocclusion-preventive-orthodontics-Fabrication-and-analysis-of-dental-study-models-evaluation-of dental-radiographs-introduction-to-panoramiographic cephalometry-and-cephalometric-analysis, 30 clock hours, 10 clock hours-Lecture, 20 clock hours-Clinical.

B) Interceptive-orthodontics-clinical-cephalometrics-treatment of-malocclusion-longitudinal-study-of-normal dentofacial-growth-composites-longitudinal-study-of-abnormal dentofacial-growth-and-development, 30 clock hours, 10 clock hours-Lecture, 20 clock hours-Clinical.

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6) Dentofacial-orthopedics;-surgical-orthodontics;-speech-and language-development;-clinical-oral-diagnosis-by-the-speech pathologists;-speech-therapy;-myofunctional-therapy;-craniofacial-anomalies;-40-clock-hours-lecture;

36) Clinical-Oral-Pathology-and-Oral-Medicine-The-clinical-aspects of-oral-pathology-and-oral-medicine-identifications-and-treatment of-the-common-oral-pathologic-conditions-of-local-and-systemic origin;-40-clock-hours-lecture;

37) Biomaterials-Biophysical-effects-of-interaction-of-various dental-materials-with-dentin-pulp-saliva-and-oral-tissue;-40 clock-hours-lecture;

38) Pedodontics-Clinic-Clinical-experience-in-all-aspects-of-dental care-for-children-including-operative-dentistry-pulpal-therapy space-maintenance-interceptive-orthodontics-and-treatment-of traumatic-injuries-and-dental-emergencies;-42-clock-hours Clinical;

39) Oral-and-Maxillofacial-Surgery-Clinic-Clinical-experience-in routine-outpatient-oral-surgical-procedures;-27-clock-hours Clinical;

40) Operative-Dentistry-Clinic

A) Clinical-practice-with-patients-Advanced-restorative-and adjunctive-techniques;-42-clock-hours-Clinical;

B) Minimal-clinical-experiences-that-are-expected-of-each-student:

Inlays/onlays 8-restorations
Gold-foil 5-restorations
Amalgam-1-surface 8-restorations
Amalgam-2+surface 8-restorations
Composite 10-restorations
Amalgam-pin-retained
"build-up" 5-restorations

41) Periodontics-Clinic-Treating-periodontal-disease-on-clinic patients;-42-clock-hours-Clinical;-Clinical-Requirements:

A) Assist-at-a-minimum-of-three-surgeries

B) Complete-periodontal-treatment-on-three-patients

6) Twelve-quadrants-(84-teeth)-of-completed-scaling-and-root planing-(may-include-curettage)

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D) Four-quadrants-(28-teeth)-of-periodontal-surgery-one procedure-must-include-flap-and-osseous-surgery;

E) Equilibration-for-one-periodontal-patient;

F) Delivery-of-one-occlusal-appliance-or-temporary-splinting-of one-segment-or-placing-of-appliance-(fixed-or-removable)-for minor-tooth-movement-in-one-periodontal-patient;

42) Endodontics-Clinic-Clinical-instruction-related-to-the-etiology, diagnosis-and-treatment-of-diseases-and-injuries-of-the-dental pulp-and-periapical-tissues-The-treatment-of-all-forms-and aspects-of-endodontics-is-carried-out-on-clinic-patients;-42 clock-hours-Clinical;

43) Prosthodontics-Clinic-Clinical-practice-of-restoring-the functions-of-mastication-of-speech-and-of-esthetics-for-complete and-partial-edentulous-patients-utilizing-complete-dentures-and removable-partial-dentures;-40-clock-hours-Clinical;

44) Complete-and-Partial-Removable-Prosthodontics-Clinical experience-including-successful-completion-of-a-minimum-of-6-units

45) Fixed-Prosthodontics-Complete-to-the-cementation-state-a minimum-of-five-units

46) Oral-Surgery-Complex-lectures-on-preprothetic-surgery management-of-maxillary-sinus-diseases-of-odontogenic-origin or-antirrhinal-fistula-temporomandibular-joint-disorders-odontogenic and-non-odontogenic-cysts-salivary-gland-disorders-and-diagnoses and-treatment-of-facial-pain-acquired-and-congenital-deficiencies of-the-head-and-neck-orthognathic-surgery-traumatic-injuries-to the-teeth-alveolar-process-and-facial-bones-soft-tissue injuries-benign-premalignant-and-malignant-lesions-of-the-oral cavity-and-jaws-including-diagnosis-management-and-overall problems-associated-with-the-cancer-patient-(20-clock-hours Lecture)

47) Conscious-Sedation-and-General-Anesthesiology-Lectures-on methods-other-than-regional-anesthesia-for-pain-and-anxiety control-Techniques-for-oral-inhalation-intramuscular-and intravenous-conscious-sedation-An-introduction-to-general anesthesiology-is-included-(12-clock-hours-8-clock-hours lecture-4-clock-hours-Clinical)

48) Operative-Dentistry-Clinical-Lectures-The-use-of-direct-gold materials-electrosurgery-in-restorative-procedures-indications for-the-use-of-restorative-materials-review-of-the-principles-of cavity-preparation-etc-(9-clock-hours-lecture)

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- 40) Endodontic--Clinical--Lectures--The--biology--and--technical principles underlying sound endodontic therapy from the standpoint of clinical practice--(10-clock-hours-lecture--)
- 50) Fixed--Partial--Prostheses--Clinical--Lectures--Clinical--and laboratory procedures used to diagnose, plan treatments, and restore fixed bridges of patients who have missing or badly broken down teeth--(10-clock-hours-lecture--)
- 51) Oral--Diagnosis--Clinical--Clinical--experience--in--admitting, examining, diagnosing and planning a course of dental treatment for patients--(30-clock-hours-Clinical--)
- 52) Radiology--Clinical--Clinical--experience--in--producing--and interpreting intraoral radiographs--and--their--correlation--with comprehensive patient diagnosis--(72-clock-hours-Clinical--)
- 53) Prostheses--Clinical--Lectures--The--theoretical--and--practical aspects of complex prosthodontic treatment involving complete and removable partial prostheses--(32-clock-hours-lecture--)
- 54) Oral--and--Maxillofacial--Surgery--Clinical--Expanded--scope--of--routine oral surgery--(27-clock-hours-Clinical--)
- 55) Growth--and--Development--III
- A) Diagnosis--and--treatment--planning--for--simple--malocclusion--in the primary and mixed dentitions--(4-clock-hours-Clinical--)
- B) Diagnosis--and--treatment--planning--for--cases--of--major malocclusion--(4-clock-hours-Clinical--)
- 56) Clinical--Therapeutics--in--Dentistry--Clinical--applications--of medications and therapeutic agents related specifically to the clinical practice of dentistry--The specialized requirements of the debilitated patient and the relationship his needs bear on dental services--(10-clock-hours-lecture--)
- 57) Special--Patient--Care--The--special--dental--patient--including--the handicapped--emotionally--disturbed--chronically--ill--and--the--aged--(10-clock-hours-lecture--)
- 58) Temporomandibular--Joint--Disorders--Differential--diagnosis--and treatment--of--organic--and--functional--TMJ--disorders--(10-clock-hours-lecture--)
- 59) Periodontic--Clinical--Lectures--The--theoretical--and--practical aspects--of--complex--periodontal--treatment--(10-clock--hours Lecture--)

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60) Comprehensive Instruction

- A) Endodontics
- B) Fixed--Partial--Prostheses
- C) Operative--Dentistry
- D) Pediatric--Dentistry
- E) Periodontics
- F) Prostheses
- G) A--course--of--structured--clinical--experiences--based--upon interdisciplinary--restorative--dental--programs--which--emphasize total--patient--care--All--aspects--and--current--techniques compatible--with--the--patients--total--dental--needs--will--be utilized--(720-clock-hours-Clinical--)
- 61) Electives--This--program--contains--courses--in--clinical--basic--and behavioral--sciences--Ideally--students--should--enrich--their programs--by--including--courses--from--all--three--areas
- (Source--Amended--at--3--Ill--Reg--16--p--21--effective--April--21--1979)
- A dental program shall meet the following minimum curriculum requirements to be approved by the Department upon the recommendation of the Board:
- a) The curriculum in dentistry comprises an educational experience totaling not less than 3800 clock hours of instruction extending over a period of time of not less than 120 weeks scheduled over three calendar years or four academic years of full time registration. Instruction is provided in basic, clinical and behavioral sciences and consists of varying amounts of didactic, laboratory and patient care experience in specific topic areas. Of the total clock hours of instruction in the curriculum not less than 15% shall be devoted to basic science topics, not less than 75% shall be devoted to clinical science topics including patient care and not less than 1% devoted to behavioral science topics. Utilization of the balance of the clock hours of instruction in the curriculum shall be left to the discretion of the institution.
- b) Basic Science Component. A total of 570 clock hours are required for fulfillment of the basic science component of the dental curriculum (15%). A minimum number of clock hours have been set forth in each of the topics in subsection 1 through 12 below which totals 400 clock hours. The remaining 170 clock hours shall be taught in one or more of the topics (subsection 1 through 12) at the discretion of the institution.

- 1) Gross Anatomy: (Excluding material taught in Head and Neck

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Anatomy) The minimum number of clock hours of didactic and laboratory instruction shall be fifty (50). Subtopics include but are not limited to:

- A) Growth and Development, General Concepts
- B) Blood and Lymph Vascular Systems (Reticuloendothelial System)
- C) Connective Tissues (Skeleton, Joints and Ligaments, Cartilage, Muscles and Fascia)
- D) Gastrointestinal Tract, Associated Organs
- E) Genitourinary Tract (Including Reproductive System)
- F) Neuroanatomy/Neurosciences
- G) Special Senses
- H) Respiratory System
- I) Endocrine System
- J) Skin and Appendages

2) Head and Neck Anatomy: (Excluding material taught in Gross Anatomy) The minimum number of clock hours of didactic and laboratory instruction shall be fifty (50). Subtopics include but are not limited to:

- A) Blood and Lymph Vascular Systems (Reticuloendothelial System)
- B) Connective Tissues (Skeleton, Joints and Ligaments, Cartilage, Muscles and Fascia)
- C) Neuroanatomy
- D) Special Senses
- E) Craniofacial Growth and Development

3) General Anatomy - Microscopic: The minimum number of clock hours of didactic and laboratory instruction shall be fifty (50). Subtopics include but are not limited to:

- A) Growth and Development, General Concepts
- B) Blood and Lymph Vascular Systems (Reticuloendothelial System)
- C) Connective Tissues (Skeleton, Joints and Ligaments, Cartilage, Muscles and Fascia)
- D) Gastrointestinal Tract, Associated Organs
- E) Genitourinary Tract (Including Reproductive System)
- F) Neuroanatomy
- G) Special Senses
- H) Respiratory System
- I) Endocrine System
- J) Skin and Appendages

4) Oral Histology: The minimum number of clock hours of didactic and/or laboratory instruction shall be twenty (20). Subtopics include but are not limited to:

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- A) Teeth (Development and Structure)
- B) Oral Mucosa (Including Tongue and Tonsils)
- C) Supporting Structures
- D) Temporomandibular Joint
- E) Salivary Glands

5) Biochemistry: The minimum number of clock hours of didactic and/or laboratory instruction shall be forty-five (45). Subtopics include but are not limited to:

- A) Review of Physical and Organic Chemistry (Water, Buffers, Enzymes, Carbohydrates, Lipids, Proteins, Amino Acids, Cell Biology
- B) Cell Biology
- C) Digestion and Absorption
- D) Vitamins
- E) Biological Oxidation
- F) Lipid, Protein, and Carbohydrate Metabolic Pathways
- G) Nucleotides, Deoxyribonucleic Acid (DNA), Ribonucleic Acid (RNA), Replication, Synthesis
- H) Inborn Errors of Metabolism
- I) Body Fluids and Acid-Base Balance
- J) Blood Clotting Mechanisms
- K) Hormones
- L) Biochemistry of Specific Dental Interests (Calcified Tissues, Fluorides, Plaque, Calculus, Caries, Saliva, Periodontal Disease, Pain)

6) Microbiology: The minimum number of clock hours of didactic and/or laboratory instruction shall be forty-five (45). Subtopics include but are not limited to:

- A) Microbial Physiology, Metabolism and Structure
- B) Microbial Genetics
- C) Cultivation of Microorganisms
- D) Antimicrobial Chemotherapy
- E) Microbiology of Oral Infections, Dental Caries and Periodontal Diseases
- F) Oral Microbial Ecology
- G) Virology, Viral Structure and Metabolism
- H) Herpes Viruses and Viral Hepatitis
- I) Mycology
- J) Sterilization, Disinfection and Asepsis

7) Immunology: The clock hours of instruction are optional as this material may or may not be taught as a separate topic. Subtopics include but are not limited to:

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- A) Immune Responses
 B) Antigen-Antibody Reactions
 C) Complement
 D) Allergy and Hypersensitivity
 E) Antibody Mediated and Cell-Mediated Reactions
 F) Host-Parasite Interactions
 G) Secretory Immune System
 H) Transplantation and Tumor Immunology Vaccines
 I) Non-Specific and Specific Host Defenses in the Oral Cavity
- 8) Pathology-General: The minimum number of clock hours of didactic and/or laboratory instruction shall be forty-five (45). Subtopics include but are not limited to:

- A) Basic Cellular and Vascular Pathologic Processes
 B) Infectious Diseases (Systemic)
 C) Inflammation and Repair (Including Immunopathology)
 D) Neoplasia and Growth Disturbances
 E) Nutritional, Metabolic, and Storage Disorders
 F) Organ and System Pathology

- 9) Pharmacology: The minimum number of clock hours of didactic and/or laboratory instruction shall be forty-five (45). Subtopics include but are not limited to:

- A) Pharmacodynamics
 B) Drug Laws and Prescription Writing
 C) Autonomic Nervous System
 D) Central Nervous System (Including) Analgesics and Local Anesthesia)
 E) Cardiovascular (Including Agents Affecting Coagulation)
 F) Renal
 G) Pulmonary
 H) Chemotherapy (Local and Systemic)
 I) Endocrine
 J) Muscle
 K) Digestive
 L) Clinical Pharmacology in Dentistry
 M) Adverse Interactions of Drugs

- 10) Physiology: The minimum number of clock hours of didactic and/or laboratory instruction shall be fifty (50). Subtopics include but are not limited to:

- A) Basic Nerve, Muscle, and Membrane Potentials
 B) Cardiovascular
 C) Respiration
 D) Renal, Body Fluids

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- E) Gastrointestinal
 F) Endocrinology
 G) Nervous System (Autonomic Nervous System, Somato-sensory Point System, Motor Function, Special Senses, Higher Brain Functions)
 H) Oral Physiology

- 11) Genetics: The clock hours of instruction are optional as this material may or may not be taught as a separate topic area. Subtopics include but are not limited to: Control of Gene Activity.

- C) Clinical Science Component. A total of 2850 clock hours are required for fulfillment of the clinical science component of the dental curriculum (75%). A minimum number of clock hours have been set forth in each of the topics in subsection 1 through 23 below which total 1580. The remaining 1270 clock hours shall be taught in one or more of the topics (subsections 1 through 23) at the discretion of the Institution.

- 1) Anesthesiology/Pain and Anxiety Control: The minimum number of clock hours of didactic instruction shall be fifteen (15). The inclusion of laboratory and/or patient care instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:

- A) Local Anesthesia Techniques
 B) Intravenous Analgesia-Anesthesia Indication/Techniques
 C) Nitrous Oxide Analgesia Indication/Techniques
 D) Hypnosis and Acupuncture

- 2) Clinical Nutrition: The clock hours of instruction are optional as this material may or may not be taught as a separate topic area. Subtopics include but are not limited to:

- A) Applied Nutrition including Calorimetry
 B) Diet Counseling

- 3) Community Dentistry/Dental Public Health: The minimum number of clock hours of didactic instruction shall be fifteen (15). The inclusion of laboratory and/or patient care instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:

- A) Forensic Dentistry/Medicine
 B) Principles of Biostatistics and Research Design
 C) Epidemiology of Disease
 D) Professional Ethics

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- E) Jurisprudence
 F) History of Dentistry
 G) Extramural/Externship Experiences
 H) Preceptorships
 I) Health Care Economics
 J) Social Issues
 K) Health Care Delivery Systems Quality Assurance and Peer Review
- 4) Dental Auxiliary Utilization (DAU) Team: The clock hours of instruction are optional as this material may or may not be taught as a separate topic area. Subtopics include but are not limited to:
- A) Motion Economy
 B) Principles of Four Handed Sit-Down Dentistry
 C) Understanding the Dentist's Role in Working with Auxiliaries
 D) Evaluation of the Outcome of the DAU operation
 E) Delegation of Duties
 F) Evaluation of Expanded Function Dental Auxiliary (EFDA) Performance with Patients Personnel Management
- 5) Dental Materials Science: The minimum number of clock hours of didactic instruction shall be thirty (30). The inclusion of laboratory and/or patient care instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:
- A) Materials Used Intraorally
 B) Materials Used Extraorally (Gypsum Products, Polishing Agents Used Outside the Mouth, etc.)
- 6) Dental Emergencies: The clock hours of instruction are optional as this material may or may not be taught as a separate topic area. Subtopics include but are not limited to:
- A) Acute Oral Pain
 B) Acute Oral Infection
 C) Acute Traumatic Injury
 D) Post-operative Complications (Excluding Oral Surgery Complications)
- 7) General Medical Emergencies: The minimum number of clock hours of didactic instruction shall be five (5). The inclusion of laboratory and/or patient care instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:
- A) Syncope

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- B) Drug Reactions and Anaphylaxis
 C) Cardiopulmonary Emergencies
 D) Comas and Convulsions

- 8) Occlusion: The minimum number of clock hours of didactic instruction shall be twenty (20). The inclusion of laboratory and/or patient care instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:
- A) Growth and Development of Occlusion (Biofunctional Therapy and Habit Patterns)
 B) Dynamics of Mandibular Movement (Anatomy and Physiology of the Stomatognathic System)
 C) Determinants of Occlusion (Neuromuscular, Emotional, etc.)
 D) Classification of Types of Occlusion of the Natural Dentition (Group Function, Cuspid, Guarded, Centric Related)
 E) Occlusally Related Pathologies and Their Treatment (Including Temporomandibular Dysfunctions, Relief of Occlusal Interferences)
 F) Articulator Designs
 G) Recording of Mandibular Movement and Occlusal Records
 H) Theories of Occlusion of the Artificial Dentition
- 9) Pathology - Oral: The minimum number of clock hours of didactic instruction shall be forty-five (45). The inclusion of laboratory and/or patient care instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:
- A) Disturbances of Oral Development and Growth (Including Neoplasia)
 B) Diseases of Microbial Origin (Including Dental Caries and Periodontal Diseases)
 C) Infectious Diseases (Oral, and Systemic with Oral Manifestations)
 D) Oral Injuries and Repair
 E) Oral Aspects of Specific Tissues or Organs (Including Bone, Joints, Blood, Skin, Nerve, and Muscle)
 F) Oral Medicine, Clinical Evaluation or Differential Diagnosis/Disorders of Diseases of Dentition and Periodontium
 G) Clinical Evaluation or Differential Diagnosis of Disorders/Diseases of the Soft Tissues and Bone
- 10) Physical Evaluation/Data Collection: The minimum number of hours of didactic instruction shall be ten (10). The inclusion of laboratory and/or patient care instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:

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- A) Biodata (Identify Age, Sex, Race, Marital Status, etc.)
- B) Clinical Laboratory Examination Evaluation of the Medically Compromised Patient History
- C) Review of Systems - General Examination
- D) Statement of Assessment of Status Pre-Operative Outpatient (P.O.P.)
- E) Vital Signs

- G) Cast Gold Restorations
- H) Restoration of the Endodontically Treated Tooth
- I) Acid Etch Bonding
- J) Ceramic (Including Metal-Ceramic Restorations)

11) Tooth Morphology: The minimum number of clock hours of didactic and laboratory instruction shall be thirty (30). Subtopics include but are not limited to:

- A) Primary Dentition
- B) Permanent Dentition
- C) Pulpal Morphology
- D) Anatomy of the Investing Tissue
- E) Comparative Dental Anatomy

- A) Examination of Head, Neck, and Oral Soft Tissues (Excluding Radiographic Examination)
- B) Diagnosis, Treatment Alternatives
- C) Clinical Examination of Dental and Periodontal Tissues (Excluding Radiographic Examination)

12) Endodontics: The minimum number of clock hours of didactic, laboratory and patient care instruction shall be one-hundred (100). Subtopics include but are not limited to:

- A) Pulpal Biology
- B) Non-Surgical Endodontics
- C) Surgical Endodontics

13) Hospital Dentistry: The clock hours of instruction are optional as this material may or may not be taught as a separate topic area. Subtopics include but are not limited to:

- A) Hospital Protocol
- B) The Dentist's Role in the Hospital Operating Room Under General Anesthesia Conditions
- C) Hospital Records and the Dentist
- D) Outpatient Care

14) Operative Dentistry: (Single Tooth Restorations in Adults) The minimum number of clock hours of didactic, laboratory and patient care instruction shall be three-hundred (300). Subtopics include but are not limited to:

- A) Basic Procedures (Instruments, Cavity Classification)
- B) Isolation of the Working Field
- C) Treatment of the Moderate and Deep Carious Lesion
- D) Tooth Colored Restorations (Including Filled and Unfilled Resins)
- E) Dental Analgams
- F) Direct Gold (Foil)

15) Oral Diagnosis: (Treatment Planning, Oral Medicine) The minimum number of clock hours of didactic, laboratory and patient care instruction shall be seventy-five (75). Subtopics include but are not limited to:

- A) Examination of Head, Neck, and Oral Soft Tissues (Excluding Radiographic Examination)
- B) Diagnosis, Treatment Alternatives
- C) Clinical Examination of Dental and Periodontal Tissues (Excluding Radiographic Examination)
- D) Non-Surgical Management Alternative of Disorders/Diseases of the Dentition and Periodontium
- E) Non-Surgical Treatment Alternatives of Disorders/Diseases of the Oral Soft Tissue and Bone
- F) Treatment Planning for Disorders/Diseases of the Dentition and Periodontium
- G) Treatment Planning for Disorders/Diseases of the Oral Soft Tissues and Bone

16) Oral Surgery: The minimum number of clock hours of didactic and patient care instruction shall be seventy-five (75). The inclusion of laboratory instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:

- A) Extractions
- B) Impaction Surgery
- C) Soft Tissue Surgery
- D) Hard Tissue Surgery
- E) Preprosthetic Surgery
- F) Post-Operative Complications in Oral Surgical Procedures
- G) Orthognathic Surgery

17) Orthodontics: The minimum number of clock hours of didactic, laboratory and patient care instruction shall be fifty (50). Subtopics include but are not limited to:

- A) Biomechanics
- B) Appliance Design and Fabrication
- C) Treatment of Children
- D) Treatment of Adults
- E) Criteria for Referral and Interactions with Specialists

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18) Pediatric Dentistry: The minimum number of clock hours of didactic, laboratory and patient care instruction shall be fifty (50). Subtopics include but are not limited to:

- A) Clinical Dentistry Procedures in Children
- B) Pediatric Restorative Dental Procedures
- C) Space Maintenance
- D) Child Management in Dentistry
- E) Pulp Therapy for the Child Patient

19) Periodontics: The minimum number of clock hours of didactic and patient care instruction shall be one-hundred and fifty (150). The inclusion of laboratory instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:

- A) The Normal Periodontium
- B) Etiology of Periodontal Disease
- C) Periodontal Therapy
- D) Periodontal Maintenance

20) Prevention: The minimum number of clock hours of didactic instruction shall be ten (10). The inclusion of laboratory and/or patient care instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to: Primary Preventive Theory and Technique.

21) Prosthodontics - Fixed: The minimum number of clock hours of didactic, laboratory and patient care instruction shall be two-hundred fifty (250). Subtopics include but are not limited to:

- A) Principles of Engineering and Design
- B) Full Coverage Retainers (Porcelain Fused to Metal) for Abutments
- C) Full Coverage Retainers (Cast Gold) for Abutments
- D) Partial Coverage Retainers for Abutments
- E) Precision Attachments for Bridges or Partial Dentures

22) Prosthodontics - Removable: (Complete and Partial) The minimum number of clock hours of didactic, laboratory and patient care instruction shall be three-hundred (300). Subtopics include but are not limited to:

- A) Prosthesis Design
- B) Technical Procedures
- C) Long-Term Maintenance
- D) Maxillofacial Prosthodontics

23) Radiology: (Roentgenology) The minimum number of clock hours of didactic and patient care instruction shall be fifty (50). The inclusion of laboratory instruction is optional in meeting this minimum hour requirement. Subtopics include but are not limited to:

- A) Radiation Physics
- B) Interaction of X-radiation and Matter
- C) Factors Affecting Radiographic Image-Production
- D) Biological Safety and Production
- E) Intraoral Radiographic Techniques
- F) Extraoral Radiographic Techniques
- G) Interpretation of Radiographs

d) Behavioral Science Component. A total of 38 clock hours are required for fulfillment of the behavioral science component of the dental curriculum (1%). A minimum number of clock hours have been set forth in each of the topics in subsection 1 through 4 below which total 25 clock hours. The remaining 13 clock hours shall be taught in one or more of the topics (subsections 1 through 4) at the discretion of the institution.

1) Behavioral/Social Sciences Principles of Dental Practice: The minimum number of clock hours of didactic and/or laboratory instruction shall be ten (10). Subtopics include but are not limited to:

- A) Understanding Human Behavior
- B) Management of Human Behavior
- C) Behavior Modification
- D) Patient Management

2) Application of Behavioral Principles to the Clinical Care of the Non-Institutionalized Patients: The clock hours of instruction are optional as this material may or may not be taught as a separate topic area. Special Patient Care Subtopics include but are not limited to:

- A) Mentally/Emotionally Handicapped
- B) Physically Handicapped
- C) Chronically Ill
- D) Homebound
- E) Medically Compromised
- F) Geriatric
- G) Communicable Disease
- H) Culturally Variant (e.g., Minorities, Indigents)

3) Application of Behavioral Principles to the Case of

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Institutionalized Patients: The clock hours of instruction are optional as this material may or may not be taught as a separate topic area.

- 4) Practice Administration: The minimum number of clock hours of didactic and/or laboratory instruction shall be fifteen (15). Subtopics include but are not limited to:

- A) Professional Practice Development
- B) Personnel Management: Securing, hiring, training Intra-office personnel
- C) Managing Relations with Laboratory Technicians
- D) Business Management

- e) Electives/Selectives: Courses which are not required of students but are provided as options for individual student enrichment and courses from which a student must choose a given number to satisfy hour or credit requirements for graduation. The clock hours of didactic, laboratory or patient care instruction are optional and may be used as a portion of the total clock hours of the curriculum not specifically required for basic, clinical or behavioral science instruction.

f) Specific Clinical Requirements

- 1) Endodontics: The minimal clinical patient care experience required for each graduate includes four (4) endodontic cases. One (1) of which is a posterior tooth and one (1) of which is necessitated for the relief of pain and/or swelling associated with pulpal disease.

- 2) Operative Dentistry: The minimal clinical patient care experience required for each graduate includes the following single tooth restorations in adults:

- A) Eight (8) Inlays/onlays
- B) Eight (8) one surface amalgams
- C) Eight (8) two surface amalgams
- D) Ten (10) composites
- E) Five (5) amalgam pre-retained "buildups"
- F) Gold foil restorations are optional

- 3) Oral Diagnosis: The minimal clinical patient care experience required for each graduate includes comprehensive treatment planning for four (4) patients.

- 4) Oral Surgery: The minimal clinical patient care experience required for each graduate includes the extraction of three (3) anterior and three (3) posterior teeth.

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- 5) Orthodontics: The minimal clinical patient care experience required for each graduate includes the diagnosis and documentation of one (1) orthodontic case.

- 6) Pediatric Dentistry: The minimal clinical patient care experience required for each graduate includes the completion of comprehensive care for four (4) pediatric patients.

- 7) Periodontics: The minimal clinical patient care experience required for each graduate includes the following procedures:

- A) Comprehensive Periodontal therapy on three (3) patients
- B) Scaling and root planning of twelve (12) quadrants i.e., eighty-four (84) teeth (may include currtettage)
- C) Periodontal surgery of four (4) quadrants i.e., twenty-eight (28) teeth (one procedure must include flap and osseous surgery)
- D) Equilibration for one periodontal patient (may include occlusal appliance, temporary splinting or appliance for minor tooth movement)

- 8) Prosthodontics-Fixed: The minimal clinical patient care experience required for each graduate includes six (6) units of fixed prosthetics replacing either an anterior or posterior tooth or teeth.

- 9) Prosthodontics-Removable: The minimal clinical patient care experience required for each graduate includes the following procedures:

- A) One (1) full upper and lower denture
- B) One (1) full upper denture occluding against a lower partial denture
- C) One (1) partial denture occluding against a natural dentition
- D) One (1) full or partial denture repair and/or reline

- 10) Radiology (Roentgenology): The minimal clinical patient care experience required for each graduate includes four (4) cases in which full mouth intra-oral radiographs (including bite wings) were taken, processed and mounted.

- g) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the Commission on Dental Accreditation of the American Dental Association.

- h) The Department, upon the recommendation of the Board, has determined that all of the dental programs accredited by the Commission on Dental Accreditation of the American Dental Association as of January 1989,

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meet the minimum curriculum criteria set forth in subsection (a) and
(b) above and are, therefore, approved.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Illinois Structural Engineering Act
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3) Section Numbers: Proposed Action:
1480.20 Amending
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111, par. 6522
- 5) A Complete Description of the Subjects and Issues Involved:

The portion of the rules which required the Structural Engineering Committee to conduct an oral interview with every applicant who is applying for a structural engineering license in Illinois by endorsement has been deleted. The Department will now accept a successfully completed examination which was taken in another jurisdiction in lieu of the Illinois Structural Engineering examination. Language has been added which will allow the Committee to request an oral interview with the applicant if additional documentation is needed of the applicant's education and/or experience. The requirement that a photograph be submitted with the application has been deleted.

- 6) Will these proposed Amendments replace an emergency Rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed Amendments contain incorporations by reference? No
- 9) Are there any other proposed Amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

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All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 5, 1989
- B) Types of small businesses affected: Engineering Firms
- C) Reporting, bookkeeping or other procedures required for compliance:
N/A
- D) Types of professional skills necessary for compliance: N/A

The full text of the Proposed Amendments is identical to the text of the emergency amendments which appear on page 5783 of this issue of the Illinois Register.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Social Workers Registration Act2) Code Citation: 68 Ill. Adm. Code 14703) Section Numbers: Proposed Action:

1470.5	New Section
1470.7	New Section
1470.10	Repealing, New Section
1470.20	Amending
1470.30	Amending
1470.40	Repealing
1470.50	Repealing
1470.60	Repealing, New Section
1470.70	Amending
1470.80	Amending
1470.90	Amending
1470.100	Amending

4) Statutory Authority: Public Act 85-1391, effective January 1, 1989.

5) A Complete Description of the Subjects and Issues Involved: These rules implement the Clinical Social Work and Social Work Practice Act. Effective January 1, 1989, the Department was required to begin licensing social workers and clinical social workers. These rules set forth standards for: application for licensure; application for licensure by endorsement; individuals grandfathering in under the old Act; individuals applying for a clinical social worker temporary license; professional experience requirements; and examination. The examination to be utilized is a national examination and has two separate levels: Part II-Level B for social workers and Part III-Level C for clinical social workers. The Department previously utilized Part I and Part II of the national examination. The Illinois portion is no longer be required.

6) Will these proposed Rules replace an emergency Rule currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed Rules contain incorporations by reference? No

9) Are there any other proposed Rules pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 5, 1989

B) Types of small businesses affected: Licensed Clinical Social Workers and Social Workers.

C) Reporting, bookkeeping or other procedures required for compliance: Individuals who wish to apply for licensure under the Act shall follow the requirements for licensure contained herein by submitting the necessary application, documents and fees etc.

D) Types of professional skills necessary for compliance: Baccalaureate, Master's or Doctorate Degree in Social Work

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1470

CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT
SOCIAL WORKERS-REGISTRATION-ACT

Section	Grandfather Provisions
1470.5	Temporary License
1470.7	Applications
1470.10	Professional Experience College-Certification
1470.20	Approved Colleges, Universities, and Graduate Schools of Social Work Programs
1470.30	Employer's Affidavit (Repealed)
1470.40	Admission to Examination (Repealed)
1470.50	Endorsement Registration-Without-Examination
1470.60	Examinations
1470.70	Restoration
1470.80	Renewals
1470.90	Granting Variances
1470.100	

AUTHORITY: Implementing the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq. as amended by P.A. 85-1131, effective July 21, 1988) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Rules for the Administration of the Social Workers Registration Act, effective November 18, 1971; effective September 25, 1975; amended at 5 Ill. Reg. 946, effective January 15, 1981; codified at 5 Ill. Reg. 11067; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 9392, effective July 26, 1983; amended at 10 Ill. Reg. 19093, effective October 28, 1986; amended at 11 Ill. Reg. 9945, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 470 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 470 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2981; emergency amendments at 13 Ill. Reg. _____, effective _____, for maximum of 150 days; amended at 13 Ill. Reg. _____, effective _____.

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Section 1470.5 Grandfather ProvisionsSection 1470.7 Temporary License

a) Individuals who were registered and in good standing as of December 31, 1988 under the Social Workers Registration Act (Ill. Rev. Stat. 1987, ch. 111, par. 6301, et seq.), may apply for and receive a license as a Licensed Social Worker as follows:

1) Persons who will not be required to take a further examination shall:

A) have a master of social work degree from a graduate program of social work approved by the Department in accordance with Section 1470.30 of this Part; or

B) have a baccalaureate degree in social work from an undergraduate program approved by the Department in accordance with Section 1470.30 of this Part and have successfully completed at least three (3) years of supervised professional experience in accordance with Section 1470.20 of this Part.

2) Persons who do not meet the requirements set forth in subsection (1) above may obtain licensure as a Licensed Social Worker by successfully completing the examination set forth in Section 1470.70 of this Part by June 30, 1990.

b) All persons applying under subsection (a)(1) above shall file an application with the Department, on forms provided by the Department, no later than December 31, 1989, which includes the following:

1) certification of graduation from a baccalaureate degree program or master's degree program in social work approved by the Department in accordance with Section 1470.30 of this Part;

2) verification of completion of 3 years of supervised professional experience as set forth in Section 1470.20 of this Part, if applicable;

3) a complete work history since baccalaureate or master's degree education;

4) the required fee set forth in Section 13(1) of the Act.

c) Persons in subsection (a)(2) above shall apply under Section 1470.10 of this Part.

(Source: Added at 13 Ill. Reg. _____, effective _____)

a) For those individuals applying for a temporary license as a clinical social worker pursuant to The Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq.) (the "Act") shall, in accordance with Section 12 of the Act, file an application with the Department, on forms provided by the Department, by January 31, 1990, which includes the following:

1) certification of a master's degree or doctoral degree in social work from an approved program of social work in accordance with Section 1470.30 of this Part;

2) verification that the applicant has functioned as a Clinical Social Worker or Clinical Social Work Supervisor for at least two (2) of the last five (5) years.

A) If the work has been part-time, the applicant must have functioned as a clinical social worker or clinical social work supervisor for 3000 hours within the last five (5) years.

B) Experience as an instructor of clinical social work at the graduate or doctoral level shall be considered functioning as a clinical social worker.

3) a complete work history since baccalaureate degree education; and

4) the required licensure fee set forth in Section 13(1) of the Act.

b) Temporary licenses will expire on December 31, 1991, regardless of when the license was issued.

c) Individuals holding a temporary license will be required to pass the examination set forth in Section 1470.70 of this Part by December 31, 1991.

d) Upon approval of the temporary license, the applicant will be eligible to sit for the examination set forth in Section 1470.70 of this Part. The applicant shall submit an application form along with the examination fee to the designated testing service pursuant to Section 8(2) of the Act. Upon notification to the Department by the testing service that the applicant has passed the examination and the submission by the applicant of the application form and the required fee set forth in Section 13(1) of the Act, the permanent Clinical

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Social Worker license set forth in Section 1470.30 of this Part will be issued.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 1470.10 Applications

- a) ~~An applicant for registration as a social worker or a certified social worker shall fill out a standard application form obtainable from the Department of Professional Regulation and sign it in the presence of a Notary Public, who shall then notarize it with his seal.~~
- b) ~~A recent passport-size photograph (head and shoulders, only) shall accompany the application, and a duplicate photograph must be presented at the examination to secure admission.~~
- c) ~~The fee provided for in Section 7 of the Illinois Social Workers Registration Act, must accompany the application.~~
- d) ~~An applicant who was not born in the United States shall submit with the application, his Certificate of Naturalization, Declaration of Intention, or a copy of his birth registration with the American Consulate, showing he was born of American parents who were abroad at that time.~~
- e) ~~An applicant must submit a certified or photostatic copy of marriage certificate, if any, supporting affidavits, if necessary, of education, experience, citizenship) bear maiden name.~~

Each applicant seeking original licensure under Section 7 of the Act shall file an application, with the Department, on forms provided by the Department, at least 30 days prior to an examination date. The application shall include:

- a) for a Licensed Clinical Social Worker
- 1) certification of graduation from a master's degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 of this Part; or
- 2) certification of graduation from a doctorate degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 2000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 of this Part.
- 3) a complete work history since receipt of master's or doctorate degree education.

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- 4) the required fee set forth in Section 13(1) of the Act.

b) for a Licensed Social Worker

- 1) certification of graduation from a master's degree program of social work approved by the Department in accordance with Section 1470.30 of this Part; or
- 2) certification of graduation from a baccalaureate degree program of social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3 years of supervised professional experience in accordance with Section 1470.20 of this Part.
- 3) a complete work history since baccalaureate or master's degree education.
- 4) the required fee set forth in Section 13(1) of the Act.
- 5) Individuals applying for a Licensed Social Worker license who have successfully completed Part 2-Level B of the American Association of State Social Work Boards (AASSWB) examination subsequent to October 1986 shall not be required to retake the Part 2-Level B AASSWB examination to be eligible for licensure. Those individuals shall file an application for examination along with their examination grades which shall be forwarded to the Department directly from the testing service.
- c) For persons who were registered and in good standing as of December 31, 1988, under the Social Workers Registration Act, who do not hold a degree in social work, and who are applying to take Part 2-Level B AASSWB examination, shall complete the application along with the work history form since baccalaureate degree education. These persons shall be required to take and pass Part 2-Level B of the AASSWB examination before a social worker license will be issued.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1470.20 College-Certification Professional Experience

~~The applicant shall submit a College-Certification form showing degree(s) received, attendance, and containing the seal of the school(s).~~

- a) All persons applying for licensure as a Licensed Clinical Social Worker, except for those individuals applying under the temporary clinical social worker provisions set forth in Section 1470.7 of this Part, shall be required to complete supervised professional experience pursuant to Section 9 of the Act as follows:

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- 1) persons holding a master's degree in social work shall have completed 3000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 2) persons holding a doctorate degree in social work shall have completed 2000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 3) the specified number of hours may have been obtained in the following increments:
 - A) for full-time experience a minimum of 30 hours per week but not more than 40 hours per week;
 - B) for part-time experience a minimum of 15 hours per week but not more than 29 hours per week.
- 4) For purposes of this subsection supervised experience shall be experience directly related to clinical social work practice as defined in Section 3(5) of the Act;
- A) The supervisor shall have met with the applicant at least one hour each week;
- B) The supervisor shall have been a certified social worker registered under the Social Workers Registration Act with clinical experience, a licensed clinical social worker, diplomate in clinical social work, designated member of the Academy of Certified Social Workers (ACSW), or other appropriate clinical supervisor as approved by the Social Work Examining and Disciplinary Board (the "Board").
- C) The experience shall have been evaluated by the supervisor as satisfactory.

b) Persons applying for Licensed Social Worker who have a baccalaureate degree in social work shall complete three (3) years of supervised professional experience subsequent to obtaining the baccalaureate degree. For purposes of this subsection, supervised professional experience is that experience directly related to social work as defined in Section 3(9) of the Act. The experience shall be:

- 1) obtained under the direct supervision of a certified social worker registered under the Social Workers Registration Act, licensed social worker, diplomate in clinical social work, designated member of ACSW or other appropriate supervisor as approved by the Board.

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- 2) satisfactory as evaluated by the supervisor. The supervisor shall have met with the individual at least one hour each week.
- (Source: Section repealed, new Section adopted at 13 Ill. Reg. _____, effective _____)
- Section 1470.30 Approved Colleges, Universities, and Graduate Schools of Social Work Programs
- a) Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education; Graduate professional schools of social work accredited by the Council on Social-Work Education, New York, New York, will be approved by the Department of Professional Regulation.
 - b) The Department has determined that all baccalaureate and master degree programs in social work which are accredited by the Council on Social Work Education, Canadian Association of Schools of Social Work, and the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education, are approved. A baccalaureate degree from a 4-year college or university accredited by its own regional accreditation body will be approved by the Department of Professional Regulation.
 - c) The standards and curricula in social work of foreign schools of social work will be reviewed individually.
- (Source: Amended at 13 Ill. Reg. _____, effective _____)
- Section 1470.40 Employer's Affidavit (Repealed)
- To meet the experience requirements, the applicant shall submit an "Employer's Affidavit" form from his employer and each former employer.
- (Source: Repealed at 13 Ill. Reg. _____, effective _____)
- Section 1470.50 Admission to Examination (Repealed)
- a) Applications for registration by examination, together with all supporting documentation, must be on file with the Department of Professional Regulation, Springfield, Illinois, at least sixty days prior to the date of the examination.
 - b) No candidates shall be admitted to an examination until he has fulfilled the educational and experience requirements for registration as provided by Section 5 of the Act.
 - c) Only experience obtained on or prior to the sixty-day final filing

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date-for-the-examination-will-be-considered---Applicants-completing the-required-experience-after-the-final-filing-date-will-be-considered for-the-next-examination.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

Section 1470.60 Registration-without-Examination Endorsement

a) Military-Service---An-applicant-who-was-in-the-Armed-Forces-of-the United-States-on-January-1, 1969, who-furnishes-proof-of-employment-as a-social-worker-in-Illinois-for-at-least-2-of-the-5-years-immediately preceding-his-entry-into-the-services-of-the-Armed-Forces, files-his application-within-3-months-of-his-honorable-discharge-separation-or release-from-the-Armed-Forces, and-furnishes-a-copy-of-his-Discharge Papers-with-his-application, may-request-registration-as-a-certified social-worker-without-examination.

b) Reciprocity

1) The-Department-will-grant-reciprocal-registration-as-a-certified social-worker-to-an-applicant-registered-under-the-laws-of-another State-territory-of-the-United-States-or-Canadian-province-in which-the-requirements-for-registration-were-at-the-date-of licensure, substantially-equivalent-to-the-requirements-then-in force-in-this-State-and-which-provide-for-similar-registration without-examination-for-persons-issued-certificates-under-this Act---in-addition-to-meeting-all-of-the-requirements-herein contained, the-applicant-shall-furnish-proof-of-registration-in the-form-of-a-certification-by-the-issuing-authority-as-to-the manner-in-which-the-registration-was-granted.

Each applicant seeking licensure under Section 15 of the Clinical Social Work and Social Work Practice Act shall file an application with the Department, on forms provided by the Department. The application shall include:

a) for a Licensed Clinical Social Worker

1) certification of graduation from a master's degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3000 hours of satisfactory supervised clinical professional experience subsequent to receipt of degree as set forth in Section 1470.20 of this Part; or

2) certification of graduation from a doctorate degree program in social work approved by the Department in accordance with Section 1570.30 of this Part and verification of completion of 2000 hours of satisfactory supervised clinical professional experience

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subsequent to receipt of degree as set forth in Section 1470.20 of this Part.

3) a complete work history since receipt of master's or doctorate degree education;

4) successful completion of the AASSWB examination set forth in Section 1470.70 of this Part;

5) a copy of the Act and rules in effect at the time of original licensure; and

6) the required fee set forth in Section 13(1) of the Act.

b) for a Licensed Social Worker

1) certification of graduation from a master's degree program of social work approved by the Department in accordance with Section 1470.30 of this Part; or

2) certification of graduation from a baccalaureate degree program of social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of three (3) years of supervised professional experience subsequent to receipt of degree in accordance with Section 1470.20 of this Part.

3) a complete work history since receipt of baccalaureate or master's degree education;

4) successful completion of the AASSWB examination;

5) a copy of the Act and rules in effect at the time of original licensure; and

6) the required fee set forth in Section 13 of the Act.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. _____, effective _____)

Section 1470.70 Examinations

a) The-examinations-for-Registered-Social-Worker-and-Certified-Social Worker-shall-be-the-American-Association-of-State-Social-Worker-Boards (AASSWB), which-shall-be-as-follows:

1) Part-1---Illinois-Social-Welfare-Laws

2) Part-2---Social-Welfare---and-Technical-and-Technical-Literature;

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- b) ~~An applicant must successfully complete, according to AASSMB standards, each part of the examination to be considered for licensure.~~
- c) ~~An applicant who is unsuccessful in one of both Parts of the examination must retake that Part(s) on which a passing score was not achieved.~~
- d) ~~The scores from past examinations shall not be combined with those achieved in the examination outlined in subsection (a) above for the purpose of deriving the required passing score.~~

~~The examination for Licensed Clinical Social Worker and Licensed Social Worker shall be the American Association of State Social Worker Boards (AASSMB).~~

- a) ~~an applicant for licensure as a licensed social worker will be required to take and pass Part 2-Level B of the AASSMB examination.~~
 - b) ~~An applicant for licensure as a licensed clinical social worker will be required to take and pass Part 3-Level C of the AASSMB examination.~~
- (Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1470.80 Restoration

- a) ~~A licensee registrant seeking restoration of his license certificate of registration (Registered-Social-Worker-or-Certified-Social-Worker) (Licensed Clinical Social Worker or Licensed Social Worker) which has been on inactive status for less than 5 years shall have his license certificate of registration restored by making application to the Department and by paying the current statutory renewal fee set forth in Section 13(3) of the Act.~~

- b) ~~A licensee registrant seeking restoration of his license certificate of registration (Registered-Social-Worker-or-Certified-Social-Worker) (Licensed Clinical Social Worker or Licensed Social Worker) which has been expired for less than 5 years shall have his license certificate restored by making application to the Department and paying \$10 \$20 plus all lapsed renewal fees pursuant to Section 13 of the Act.~~

- c) ~~A licensee registrant seeking restoration of his license certificate of registration (Registered-Social-Worker-or-Certified-Social-Worker) (Licensed Clinical Social Worker or Licensed Social Worker) after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with:~~

- 1) ~~Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee registrant was authorized to practice during the term of said active practice; or~~
- 2) ~~An affidavit attesting to military service as provided in Section 11 6 of the Act. If application is made within two years of discharge and if all other provisions of Section 11 6 of the Act are satisfied, the licensee applicant will not be required to pay a restoration fee or any lapsed renewal fees; or~~
- 3) ~~Proof of passage of the examination described in Section 1470.70 of this Part within the twelve months preceding application; and~~
- 4) ~~The statutorily required fees pursuant to Section 13 of the Act.~~

- d) ~~When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee registrant seeking restoration of his license certificate of registration (Registered-Social-Worker-or-Certified-Social-Worker) (Licensed Clinical Social Worker or Licensed Social Worker) will be required to:~~

- 1) ~~provide such information as may be necessary and/or~~
- 2) ~~explain the relevance or sufficiency of the submitted documentation during an oral interview; or~~
- 3) ~~appear for additional oral interview(s) before the Board Committee when the information available to the Board Committee is insufficient to evaluate the individual's current competency to practice under the Act. Upon the Recommendation of the Board Committee, an applicant shall have his license restored.~~

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1470.90 Renewals

- a) ~~Every license certificate of registration issued under the Act shall expire on November 30 of each odd numbered year. The holder of a license certificate of registration may renew such license certificate during the month preceding the expiration date thereof by paying the required fee.~~

- b) ~~It is the responsibility of each licensee registrant to notify the~~

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1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Number: Proposed Action: New Section 113.157

4) Statutory Authority: Article III and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq. and 12-13).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds to the Department rules on the Aid to the Aged, Blind or Disabled Program provisions under which income and assets of an alien's sponsor are deemed available unearned income and assets of the alien applying for or receiving AABD MAG assistance. Specifically, it (1) limits the categories of aliens to which deeming applies, and (2) states how the Department determines the amount of the sponsor's income and assets which are available for the needs of the alien.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.130	Amendment	September 30, 1988 (12 Ill. Reg. 15475)
113.302	Amendment	April 7, 1989 (13 Ill. Reg. 4481)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments

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Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1470.100 Granting Variances

a) The Director may grant variances from these rules in individual cases where he finds that:

- 1) the provision from which the variance is granted is not statutorily mandated;
- 2) no party will be injured by the granting of the variance; and
- 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board Committee of the granting of such variance, and the reasons therefor, at the next meeting of the Board Committee.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, 100 South Grand Avenue East, Third Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

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SUBPART A: GENERAL PROVISIONS

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Unearned Income
Budgeting Unearned Income
Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
Initial Receipt of Unearned Income
Termination of Unearned Income
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113.118 Termination of Employment
113.120 Exempt Earned Income
113.122 Non-Exempt Unearned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services

113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates

SUBPART E: OTHER PROVISIONS

Section
113.300 Persons Who May Be Included In the Assistance Unit

Section
113.301 Grandfathered Cases
113.302 Interim Assistance
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.320 Redetermination of Eligibility
113.500 Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective October 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended

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at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; peremptory amendment at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended

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at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6996, effective April 14, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 113.157 Sponsors of Aliens

a) This Section applies to all aliens except:

- 1) persons paroled into the United States as refugees, under Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));
- 2) persons granted asylum by the Attorney General of the United States (8 U.S.C. 1158);

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NOTICE OF PROPOSED AMENDMENT

Section 113.157 Sponsors of Aliens (Cont'd.)

- 3) persons admitted by application before April 1, 1980, under Section 203 (a)(7) of the Act (8 U.S.C. 153(a)(7));
 - 4) persons admitted by application after March 31, 1980 under Section 207(c)(1) of the Act (8 U.S.C. 1157(c)(1));
 - 5) persons who became blind or disabled, as defined by the Social Security Administration in 20 CFR 416.901, after entering the United States; and
 - 6) MANG applicants and recipients.
- b) With respect to sponsors of aliens, certain amounts of the income and assets of the sponsor and sponsor's spouse, if they live together, are deemed available unearned income and/or assets of the individual alien applying for or receiving AABD MAG assistance if:
- 1) the sponsor signed an affidavit of support or a similar agreement assuring the alien would not become a public charge;
 - 2) the alien has been a resident of the United States for less than three (3) years;
 - 3) the sponsor is not a recipient of AFDC or SSI, or SSP; and
 - 4) the alien is not a child or spouse of the sponsor.
- c) A sponsor is an individual, not an organization.
- d) The Department will count the sponsor's spouse's income and assets even if the sponsor and spouse married after the agreement to support was signed.
- e) The sponsor, if found able to support the alien, wholly or partially, is liable for the needs of the individual alien only. The sponsor is not responsible for the needs of the spouse or child(ren) of the alien if he/she did not sponsor them.
- f) If two or more aliens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available as if each alien is the only one sponsored by that person.

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NOTICE OF PROPOSED AMENDMENT

Section 113.157 Sponsors of Aliens (Cont'd.)

- g) The Department will determine the sponsor's liability to support the alien applicant/recipient as follows:
- 1) Determination of Sponsor's Available Income
 - A) The Department will disregard 20%, not to exceed \$175.00, of the earned income of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) The Department will add the unearned income of the sponsor and spouse, if they live together.
 - C) If the sponsor's children are living with the sponsor, the Department will determine the needs of the sponsor and the sponsor's spouse and family using the appropriate AFDC Assistance Standard (see 89 Ill. Adm. Code 111.101). The sponsor and other individuals living with the sponsor who are claimed as federal tax dependents are included in making this determination.
 - D) If the sponsor and the sponsor's spouse have no dependent children living with them, the Department will determine their needs using the appropriate AABD Assistance Standard (see 89 Ill. Adm. Code 111.101).
 - E) The Department will deduct from income:
 - i) any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents; and
 - ii) any maintenance or child support paid to individuals not living with the sponsor.
 - F) Any remaining income is applied to the needs of the alien.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 113.157 Sponsors of Aliens (Cont'd.)

2) Determination of the Total Amount of Assets of the Sponsor and Sponsor's Spouse.

A) The asset disregard for a sponsor of an alien is \$2,000; for a sponsor and spouse residing together, \$3,000; and for a sponsor living with two or more dependent family members, \$3,000 for the sponsor and one dependent plus \$50 for each additional dependent.

B) The same assets are exempt as for an AABD case (see Section 113.141).

Source: Added at 13 Ill. Reg. ____, effective ____.)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: COLLECTIONS AND RECOVERIES2) Code Citation: 89 Ill. Adm. Code 1653) Section Numbers: Proposed Action:

165.10 Amendment
165.20 Amendment
165.70 Amendment

4) Statutory Authority: Sections 9-6, 11-18 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 9-6, 11-18 and 12-13)5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking specifies how supportive service overpayments are determined and clarifies that such overpayments will be recovered after the corresponding financial assistance (grant) is cancelled.6) Will these proposed amendments replace emergency amendments currently in effect? No7) Does this rulemaking contain an automatic repeal date?
____ Yes ☒ No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
165.70	Amendment	June 17, 1988 (12 Ill. Reg. 10343)
165.100	Amendment	June 17, 1988 (12 Ill. Reg. 10343)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Myron Brigman, Office of Counseling and Litigation, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield,

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Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 165
COLLECTIONS AND RECOVERIES

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section

- 165.1 Incorporation By Reference
- 165.10 Overpayments
- 165.20 Determination of Financial Assistance Overpayments
- 165.30 Types of Food Stamp Overpayment Claims
- 165.40 Determination of Food Stamp Overpayments
- 165.42 Establishment of Claims for Food Stamp Overpayments
- 165.50 Suspension and Termination of Food Stamp Claims

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE
OVERPAYMENTS FROM CURRENT CASES

Section

- 165.70 Recoupment of Overpayments from Current Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM
CURRENTLY PARTICIPATING HOUSEHOLDS

Section

- 165.80 Initiating Collection from Currently Participating Households
- 165.82 Methods of Food Stamp Claim Repayment
- 165.84 Determination of Monthly Allotment Reductions
- 165.86 Failure to Respond to Initial Demand Letter
- 165.88 Failure to Comply with Repayment Schedule

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

Section

- 165.100 Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps
- 165.102 Demand for Repayment
- 165.104 Methods of Involuntary Repayment
- 165.106 Effect of Return to Active Assistance Status

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 11-18, 12-4.4 and 12-13).

SOURCE: Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 13 Ill. Reg. _____, effective _____, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 165.10 Overpayments

An overpayment is financial assistance, Food Stamp Coupons, or both, issued in error to or in behalf of a client. The Illinois Department of Public Aid (Department) shall initiate action to recover all overpayments, whether or not a client is currently eligible for financial assistance, Food Stamp Coupons, or both.

a) If a person currently receives assistance of the type in which the overpayment occurred, the overpayment shall be collected under Subparts B or C, as the case may be, of this Part.

b) If a person (including a person who receives only medical assistance) does not currently receive assistance of the type in which the overpayment occurred, the overpayment shall be collected under Subpart D of this Part.

c) Overpayments of supportive services for Project Chance, Project Advance or Young Parents Program participants shall be collected under Subpart D of this Part after financial assistance is cancelled.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 165.20 Determination of Financial Assistance Overpayments

The Department shall determine the overpayment amount of a financial assistance as follows:

a) A grant overpayment is determined overpayment-for-a

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 165.20

Determination of Financial Assistance Overpayments (Cont'd.)

specific month by comparing the correct grant amount for a specific month to the actual grant amount received. The amount received which is in excess of the correct grant amount is the amount of overpayment for the month. Any overpayment the Department identifies after September 30, 1981, whether or not the overpayment occurred after that date, shall be included in the determination.

b) A supportive service overpayment occurs when a Project Chance, Project Advance or Young Parents Program participant did not participate in assigned activities and was issued supportive service payments for participation in the activities.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE OVERPAYMENTS FROM CURRENT CASES

Section 165.70

Recoupment of Overpayments from Current Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

a) When the Department determines that an AFDC, AABD or GA assistance unit has received grant assistance to which it is not entitled, the Department shall recoup the overpayment from the current assistance grant. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.) The entire overpayment will be recouped in as short a time as possible. However, the amount to be deducted for any one month shall not reduce the family's or individual's total income and assets to an amount less than 90% of the respective payment standard for a family or individual of that size with no income. For AFDC and GA, the family's or individual's total income shall include all gross earned income, less the earned income disregard and child care deduction if applicable, all unearned income, and all assistance payments. For AABD, total income shall include net

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 165.70

Recoupment of Overpayments from Current Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases (Cont'd.)

earned income, all unearned income, and all assistance payments.

- b) Overpayments of supportive services for Project Chance, Project Advance or Young Parents Program participants shall be recovered under Subpart D of this Part after financial assistance is cancelled.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Proposed Action:

114.220

Amendment

114.240

Repealed

4) Statutory Authority: Sections 6-1, 6-1.2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 6-1, 6-1.2 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that for persons participating in an approved education and training plan under Project Chance, income from loans, grants, scholarships, Veteran's education benefits and similar educational benefits used to pay expenses (e.g., tuition, books, fees, etc.), whether paid to the school or directly to the client, are not considered available income.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?

Yes _____ No X

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Number Proposed Action Illinois Register Citation

114.127

Amendment

February 17, 1989

(12 Ill. Reg. 1959)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, 100 South Grand Avenue East,

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Third Floor, Springfield, IL 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

PART 114
GENERAL ASSISTANCE

The full text of the Proposed Amendments begins on the next page:

SUBPART A: GENERAL PROVISIONS

Section
114.1 Description of the Assistance Program
114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

114.9 Client Cooperation
114.10 Citizenship
114.20 Residence
114.30 Age
114.40 Relationship
114.50 Living Arrangement
114.52 Social Security Numbers
114.60 Work Registration Requirements
114.61 Individuals Exempt From Work Registration Requirements
114.62 Job Service Registration
114.63 Failure to Maintain Current Job Service Registration
114.64 Responsibility to Seek Employment
114.70 Initial Employment Expenses
114.80 Work and Training Programs
114.100 General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section

114.108 Project Advance
114.109 Project Advance Participation Requirements of Adjudicated Fathers
114.110 Project Advance Cooperation Requirements of Adjudicated Fathers
114.111 Project Advance Sanctions
114.113 Project Advance Good Cause for Failure to Comply
114.115 Individuals Exempt From Project Advance
114.117 Project Advance Supportive Services

SUBPART D: PROJECT CHANCE

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section	
114.120	Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121	Persons Required to Participate in Employment and Training
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124	Employment and Training Participation/Cooperation Requirements
114.125	Employment and Training Program Orientation
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.140	Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section	
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income For Contractual Employees
114.247	Budgeting Earned Income For Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets
114.270	Property Transfers
114.280	Supplemental Payment

SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels for General Assistance
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section	
114.400	Persons Who May Be Included In the Assistance Unit
114.401	Eligibility of Strikers
114.402	Special Needs Authorizations
114.403	Institutional Status
114.404	Retrospective Budgeting
114.405	Budgeting Schedule
114.420	Redetermination of Eligibility
114.430	Six Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory

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amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory

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amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1,

1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 11 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E reclassified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 reclassified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. effective March 10, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 114.220 Education Benefits

Income from loans, grants, scholarships, Veteran's education benefits and similar educational benefits is considered available income except:

- a) that portion of an educational benefit paid directly to the school for items necessary for school attendance (as determined and as verified by the school in order to fulfill particular course requirements), such as tuition, books, fees and equipment, is exempt. For persons participating in a Project Chance approved education and training plan, educational benefits used to pay expenses (e.g., tuition, books, fees etc.) are exempt whether paid to the school or directly to the client [see Section 114.127(b)];
- b) income from educational loans and grants made or insured under any program administered by the

Section 114.220 Education Benefits (Cont'd.)

Secretary of the Department of Education shall be completely exempt whether the grant is paid directly to the schools or to the student. These educational loans and grants include the National Direct Student Loans, Basic Educational Opportunity Grants, Supplementary Educational Opportunity Grants, Work Study Grants, and the Guaranteed Loan Program;

- c) the amount of an educational benefit that is not exempt and is considered available income, shall be budgeted using retrospective budgeting procedures. (i.e., Payments are budgeted in the second month after receipt. If that payment plus other nonexempt income exceeds the grant amount, the individual is ineligible for only that month);

- d) income from college work-study is budgeted as non-exempt earned income.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 114.240 Income From Work/Study/Training Program (Repealed)

- a) income from loans, grants, scholarships, Veteran's education benefits and similar educational benefits is considered available income. However, that portion of an educational benefit paid directly to the school for items such as tuition, books, fees, and equipment necessary for school attendance (as determined by the school in order to fulfill particular course requirements) is exempt.
- b) income from college work-study is budgeted against the GA grant.
- c) Earned income received through the job-training Partnership Act must be budgeted against the GA grant.
- d) Unearned income such as need-based payments, cash assistance, compensation in lieu of wages, and allowances received through the job-training Partnership Act is exempt.

(Source: Repealed at 13 Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action:
140.569 Amendment
- 4) Statutory Authority: Section 5-5.8a of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.8a)
- 5) A Complete Description of the Subjects and Issues Involved: The negotiated rate concept which makes provision for those clients with exceptional nursing care needs has been expanded to a more comprehensive plan whose rate structure is facility specific.
- Exceptional medical care is defined as the level of medical care required by persons (including persons with acquired immune deficiency syndrome (AIDS) or a related condition) who are medically stable and ready for discharge from a hospital but who require an intensive level of care for physician, nurse and ancillary specialist services.
- This rule revision provides contract requirements, staffing levels and training requirements, program conditions and eligibility factors. It also includes a provision for payment to a hospital if skilled nursing services cannot be located.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.16	Amendment	March 10, 1989 (13 Ill. Reg. 2937)

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Section Numbers	Proposed Action	Illinois Register Citation
140.17	Amendment	March 10, 1989 (13 Ill. Reg. 2937)
140.20	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.21	Amendment	March 17, 1989 (13 Ill. Reg. 3295)
140.43	New Section	December 2, 1988 (12 Ill. Reg. 19868)
140.110	New Section	July 15, 1988 (12 Ill. Reg. 11701)
140.400	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.435	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.436	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.440	Amendment	December 30, 1988 (12 Ill. Reg. 22329)
140.526	Amendment	February 3, 1989 (13 Ill. Reg. 1420)
140.642	Amendment	November 28, 1988 (12 Ill. Reg. 19613)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Thomas D. Toberman, Division of Medical Programs, Prescott E. Bloom Building, 201 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62763, (217) 524-7335. The Department will

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consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:
(If applicable, answer the following questions)

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 10, 1989
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
 MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
 140.1
 140.2
 140.3

Incorporation By Reference
 Medical Assistance Programs
 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

140.4

Covered Medical Services Under GA and AMI
 Medical Services Not Covered
 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year

140.8

Medical Assistance For Qualified Severely Impaired Individuals

140.9

Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy

140.10

Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section
 140.11
 140.12
 140.13
 140.14

Enrollment Conditions for Medical Providers
 Participation Requirements for Medical Providers
 Definitions

Denial of Application to Participate in the Medical Assistance Program

140.15

Recovery of Money

140.16

Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program

140.17

Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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Section
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement
Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.71 Drug Manual (Recodified)
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

Section
140.94 Hospital Services
140.95 Participation
140.96 General Requirements
140.97 Special Requirements
140.98 Covered Hospital Services
140.99 Hospital Services Not Covered
140.100 Limitation On Hospital Services
140.101 Transplants
140.102 Heart Transplants
140.103 Liver Transplants
140.104 Bone Marrow Transplants
140.110 Disproportionate Share Hospital Adjustments (Emergency Expired)
140.116 Payment for Inpatient Services for GA
140.117 Hospital Outpatient and Clinic Services
140.200 Payment for Hospital Services During Fiscal Year 1982
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983
140.203 Limits on Length of Stay by Diagnosis
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting

Section
140.350 Copayments
140.360 Payment Methodology
140.361 Non-Participating Hospitals
140.362 Pre July 1, 1989 Services
140.363 Post June 30, 1989 Services
140.364 Prepayment Review
140.365 Base Year Costs
140.366 Restructuring Adjustment
140.367 Inflation Adjustment
140.368 Volume Adjustment (Repealed)
140.369 Groupings
140.370 Rate Calculation
140.371 Payment
140.372 Review Procedure
140.373 Utilization (Repealed)
140.374 Alternatives
140.375 Exemptions
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services
140.391 Definitions
140.392 Types of Subacute Alcoholism and Substance Abuse Services
140.394 Payment for Subacute Alcoholism and Substance Abuse Services
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
140.398 Hearings

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners and Laboratories
140.410 Physicians' Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists

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Section	
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices

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Section	
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medichek Services
140.486	Limitations on Medichek Services
140.487	Payment on Medichek Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services

SUBPART E: GROUP CARE

Section	
140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)

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Section	
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care
140.566	Level I Incentive Payments
140.567	Level II Incentive Payments
140.568	Duration of Incentive Payments
140.569	Clients With Exceptional Nursing Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements

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Section	
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Pre-Screening Assessment
140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647	Description of Developmental Training Service Levels
140.648	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649	Effective Dates of Reimbursement for Day Programs
140.650	Certification of Day Programs
140.651	Terms of Assurances and Contracts
140.652	Effective Date of Payment Rate
140.680	Discharge of Long Term Care Residents
140.700	Appeals of Rate Determinations
140.830	Determination of Cap on Payments for Long Term Care
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SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

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140.850	Facility/Client Participation
140.855	Evaluation of Need For Care
140.860	Payment
140.865	Definitions
140.870	Guidelines
140.875	Intermediate Care (ICF/MR)
140.880	Skilled Care (SNF/PED)
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SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

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Section
140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901 Functional Areas of Needs (Recodified)
140.902 Service Needs (Recodified)
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
140.906 Reconsiderations (Recodified)
140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program (Recodified)
140.912 Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

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140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942 Definition of Terms (Recodified)
140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)
TABLE A Medichex Recommended Screening Procedures
TABLE B Health Service Areas
TABLE C Capital Cost Areas
TABLE D Schedule of Dental Procedures

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TABLE E Time Limits for Processing of Prior Approval Requests
TABLE F Podiatry Service Schedule
TABLE G Travel Distance Standards
TABLE H Staff Time and Allocation by Need Level (Recodified)
TABLE I Staff Time and Allocation for Training Programs (Recodified)
TABLE J HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September

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18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 22677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 6235, effective May 28, 1985; amended at 9 Ill. Reg. 8677, effective June 5, 1985; amended at 9 Ill. Reg. 9564, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 21784, effective November 12, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6,

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1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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Section 140.569 Clients With Exceptional Nursing Care Needs

Notwithstanding the provisions of Subparts B and C of this Part, the Department may negotiate a special rate of payment to a skilled nursing facility if the negotiated rate is at least twenty-five percent less than the rate paid by the Department for the client's care in a hospital. The Department will negotiate a special rate of payment if the following factors exist:

a) The client's hospital must document that clients are medically stable for discharge but near acute care hospital level of intensity, require multi-disciplinary care, i.e., care by a physician, a nurse, and a therapist, require care in at least four of the following body system areas: respiratory, skin, urinary, digestive, emotional, neuro-muscular, and cardio-vascular; needs active physical and other therapies; and exhibits a near total dependency on mechanical equipment in order to maintain life. Required documentation includes, but is not limited to a physician's written statement specifying client needs, medical records including case history and/or detailed summary of the client's condition, list of medication needs, list of medical equipment and supply needs, and care plan or synopsis of needs.

b) All licensure and certification standards as exist for facilities providing skilled nursing care must be met.

a) Exceptional Care Program

1) Pursuant to Section 5-5A of the Public Aid Code, the Department may make payments to skilled nursing facilities which substantially meet licensure and certification requirements as may be prescribed by the Department of Public Health.

2) The Department may, but is not required to, enter into contracts with facilities offering exceptional medical services, referred to herein as Providers.

3) Exceptional medical care is defined as the level of medical care required by persons (including but not limited to persons with acquired immune deficiency syndrome (AIDS) or a related

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Section 140.569 Clients With Exceptional Nursing Care Needs (Cont'd)

condition) who are medically stable and ready for discharge from a hospital but who require an intensive level of care for physician, nurse and ancillary specialist services.

4) The Department shall negotiate with nursing home providers and enter into a contract with providers only if the rate of payment negotiated does not exceed the statewide average rate for general care in a hospital in the applicable health service area. Providers may negotiate separate rates for separate types of care.

b) Exceptional Care Contract Requirements

The Department may enter into a contract for exceptional care services only if the Provider agrees to the following conditions:

1) The facility must demonstrate the capacity and capability to provide highly skilled nursing care as documented by the Department of Public Health records.

2) The Provider must maintain and provide documentation demonstrating:

- A) adherence to staffing requirements as set out in subsection (c);
- B) adherence to staff training requirements as set out in subsection (d);
- C) validity of written agreements as required in subsection (e);
- D) presence of emergency policy and procedures as set out in subsection (f);
- E) medical condition of the client; and
- F) care, treatments and services provided to the client.

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Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd)

- 3) The Provider must have and maintain physical plant adaptations to accommodate the necessary equipment.
- 4) The Provider must have and maintain an emergency electrical backup system.
- 5) The Provider must agree to accept at least seventy-five percent (75%) of all IDPA preapproved clients for whom he has contracted to provide exceptional care services if the facility is at less than 95% occupancy. The period used for determining the 75% quota will be no later than six months after the effective date of the contract between the Department and Provider. The Department may review compliance as necessary. Failure of the Provider to comply with this quota may render, at the discretion of the Department, the exceptional care contract void and may exclude the affected Provider as a participant in the exceptional care contract program for a period not to exceed one (1) year.

c) Exceptional Care Staffing Requirements

Staffing requirements for facilities providing exceptional care include:

- 1) a minimum of one RN on duty on the day and evening shifts, seven days per week;
 - 2) a minimum of the required number of LPN staff (as required by the Department of Public Health and set out in 77 Ill. Adm. Code 300.1230 and .1240), on duty, with a RN on call on the night shift, seven days per week; and
 - 3) a respiratory therapist, on staff or on contract with the facility, for those facilities serving ventilator dependent clients.
- d) Exceptional Care Staffing Training Requirements
- Training requirements for facilities providing exceptional care include:

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Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd)

- 1) when serving ventilator dependent clients, at least one of the full-time professional nursing staff members has successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, and
 - 2) all staff caring for ventilator dependent clients must have in service training in ventilator care prior to providing such care.
- e) Exceptional Care Agreement Requirements
- Unless the following is a part of facility staff, the Provider must have a valid written agreement with:

- 1) a medical equipment and supply provider which must include a service contract for ventilator equipment when accepting ventilator dependent residents;
 - 2) a local emergency transportation provider;
 - 3) a local hospital capable of providing the necessary care for equipment dependent residents, when appropriate; and
 - 4) a respiratory therapist, when accepting ventilator dependent residents or residents requiring respiratory therapy services.
- f) Exceptional Care Emergency Policy and Procedures Requirements
- The Provider must have written policies and procedures addressing emergency needs for clients requiring exceptional care.
- g) Accessibility to Records
- The Provider must make accessible to IDPA and/or IDPH all facility, resident and other records necessary to determine that the needs of the resident are being met.
- h) Contract Negotiations

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Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd)

- 1) Negotiations between the Provider and the Department shall be conducted solely on an individual facility basis. Multiple facility negotiations shall not be permitted.
- 2) A Provider shall notify the Department of its interest in participating in the Exceptional Care Program in writing by certified or registered mail, return receipt requested.
- 3) Prior to the beginning of negotiations, the Provider shall submit to the Department a completed Exceptional Care Data Sheet. The Department shall furnish upon request such Data Sheet. The Exceptional Care Data Sheet shall require:
 - A) identification of the types and the quantities of services which the Provider intends to offer;
 - B) a staffing plan for the area of the facility serving exceptional care clients; and
 - C) documentation of the qualifications of staff serving exceptional care clients.
- 4) The Department shall provide each Provider which has notified the Department of its interest in participation in the Exceptional Care Program with a copy of the proposed contract provisions by mailing such proposed contract provisions to the provider. Each contract shall be for a period of one year.

i) Renewal/Nonrenewal of Exceptional Care Contracts

- 1) Providers desirous of renewing exceptional care contracts must contact the Department in writing sixty (60) days prior to the expiration date of the contract to express their intent to renew the contract.

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Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd)

- 2) Upon receipt of the Providers' intent to renew their contract, the Department shall open negotiations as set forth in subsection (h).
- 3) Providers desiring to terminate or not renew their contract shall notify the Department sixty (60) days prior to the date of termination or contract expiration. Payment for new admissions at an exceptional care rate will not be made to those Providers who do not have a valid exceptional care contract. Payment for exceptional care clients residing in facilities which terminate or do not renew their contracts will remain at the previous exceptional care rate until such time as the client no longer requires exceptional care as determined by the Department's utilization review (see Contract Monitoring (2) and (3) or the client is discharged.
- 4) It is the responsibility of a nursing home Provider to effect appropriate discharge planning for exceptional care clients when terminating or not renewing its contract. The Department agrees to assist Providers with any information available regarding appropriate placement settings.
 - j) Determining client eligibility for exceptional care payment.
 - 1) All clients must be approved by an authorized Department representative prior to placement in a facility to be eligible for exceptional care payment.
 - 2) In order for a client to be approved for exceptional care placement the cost of the client's care must exceed 150% of the proposed admitting facility's per diem rate (capital support and nursing components). Eligible items to be used in computing the cost of the client's care include nursing services costs, therapy services costs, and medical equipment and supply costs. Computations for determining cost of care

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Section 140.569

Clients With Exceptional Nursing Care Needs
(Cont'd)Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd)

shall be based upon maximum allowable costs for service equipment and supplies for the proposed admitting facility as determined by the Department.

payment to the Provider to the per diem rate for skilled and intermediate care clients.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

- k) Provision for Clients for which a Long Term Care Placement is Unavailable

In the event a placement for a hospitalized client in need of exceptional care services or skilled nursing services cannot be located, the Department shall approve payment to the hospital in which the client is receiving services. The rate of payment to the hospital shall not exceed the average statewide long term care facility per diem rate for the level of services provided.

- 1) Contract Monitoring

- 1) All utilization controls applied to exceptional care by the Department in accordance with the approved plan for medical services under Section 5-2 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 5-2), and Title XIX of the Federal Social Security Act (42 U.S.C. 1396(a)) shall continue to apply to exceptional care provided under the Exceptional Care Program (Ill. Rev. Stat. 1987, ch. 111 1/2 par. 6503-5).

- 2) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with Medical Peer Review organizations to provide utilization review and quality assurance under any contract negotiated for exceptional care.

- 3) The Department shall review exceptional care clients' utilization of services every ninety (90) days.

- 4) In the event that it is determined that the client is no longer in need of exceptional care services, the Department shall reduce the rate of

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1) The Heading of the Part: Related Program Provisions

2) Code Citation: 89 Ill. Adm. Code 117

3) Section Number: Proposed Action:
117.20 Amendment

4) Statutory Authority: Section(s) 9-6, 12-12 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 9-6, 12-12 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides for the recovery of duplicate supportive service payments made to Project Chance, Project Advance and Young Parent Program participants.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
117.40	Amendment	June 17, 1988 (12 Ill. Reg. 10373)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Myron Brigman, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jessie B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois

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62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 117
RELATED PROGRAM PROVISIONS

- Section
- 117.1 Incorporation By Reference
 - 117.10 Payee For Financial Assistance
 - 117.20 Replacement of Missing Warrants
 - 117.30 Withholding of Rent (Repealed)
 - 117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
 - 117.50 Funerals and Burials
 - 117.51 Funeral Home Services
 - 117.52 Burial Expenses
 - 117.53 Payment to Vendor(s)
 - 117.54 Claims for Reimbursement
 - 117.55 Submittal of Claims
 - 117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
 - 117.70 Charge for Replacement of Photo ID Cards (Repealed)
 - 117.80 Direct Deposit of Recipients' Warrants

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq. and 12-13).

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

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Section 117.20 Replacement of Missing Warrants

- a) When a client reports the non-receipt of a warrant, the Department shall replace the warrant, unless the warrant was endorsed by the payee, after the client has signed a request to stop payment and an agreement that recovery may be made. The replacement shall be made only if the request is received within 60 days of the date of mailing of the warrant in question.
- b) In the event the missing warrant is actually received and cashed by the client and a replacement warrant has been received and cashed by the client, pursuant to the terms of the recovery agreement, the Department shall recoup or recover the amount of the replacement warrant as follows:
 - 1) For Aid to Families with Dependent Children (AFDC); 1/36 of the amount of the replacement warrant shall be recouped each month until the entire amount is recouped. AFDC recoupment under this Section shall not take place while recoupment under 89 Ill. Adm. Code 165.70 is in process.
 - 2) Aid to the Aged Blind or Disabled (AABD) and General Assistance (GA) as provided in 89 Ill. Adm. Code 165.70.
 - 3) For supportive service payments issued to Project Chance, Project Advance and Young Parents Program participants, the replacement warrant will be referred for recovery under 89 Ill. Adm. Code 165: Subpart D, after financial assistance is cancelled.
- c) The determination that the missing warrant was actually received and cashed by the client shall be made by comparing the signature of endorsement appearing on the warrant with a specimen signature of the client.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

College Immunization Code

2) Code Citation:

77 Ill. Adm. Code 694

3) Section Numbers:

694.10
694.20
694.100
694.110
694.120
694.200
694.210
694.220
Appendix A
Appendix B
Appendix C

Proposed Action:

New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority:

Sections 1 through 7 of AN ACT concerning education and amending an Act herein named, Public Act 85-1315, effective July 1, 1989.

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking attempts to specify the immunization entrance and reporting requirements for college admission in Illinois. These rules require all full-time college students to show proof of immunity or qualification for an exemption when enrolling in post-secondary education.

The economic effect of this rulemaking on the regulated public is unknown. The Department invites any detailed comments on potential costs associated with this rulemaking.

The Department anticipates adopting this rulemaking by August, 1989.

Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:

June 19, 1989
10:00 a.m. - First Floor Training Room
Illinois Department of Public Health
525 West Jefferson Street
Springfield, Illinois 62761

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Other Pertinent Information Concerning this Rulemaking:

The hearings will be for the purpose of gathering public comment on the implementation of these amendments. Persons interested in presenting testimony at this hearing is advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to 20 minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as the Hearing Officer deems necessary.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes: _____

Section Numbers

Proposed Action

Ill. Reg. Citation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

10) Statement of Statewide Policy Objectives:

This rulemaking may create or expand a state mandate. These regulations are the minimum requirements the Department believes necessary in order to comply with the statutory mandate to develop and distribute a pamphlet and require reporting.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

See Complete Description of Subjects and Issues for public hearing notice.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

April 7, 1989

B) Type of Small Businesses Affected:

Local community colleges, colleges, universities and other post-secondary institutions.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Verification of immunization status of students.

D) Types of Professional Skills Necessary for Compliance:

No specific professional skills.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 694
COLLEGE IMMUNIZATION CODE

SUBPART A: GENERAL PROVISIONS

Section 694.10 Purpose
Section 694.20 Definitions

SUBPART B: IMMUNIZATION REQUIREMENTS

Section 694.100 Proof of Immunity
Section 694.110 Record Keeping
Section 694.120 Completion and Submission of the Summary Report

SUBPART C: EXEMPTIONS

Section 694.200 Medical Exemption
Section 694.210 Religious Exemption
Section 694.220 Classification Exemption
Appendix A Certificate of Immunity Form
Appendix B Summary Report of the Immunization Status of College/University Students
Appendix C Required Elements of Health Record

AUTHORITY: Implementing and authorized by Sections 1 through 7 of AN ACT concerning education and amending an Act herein named, Public Act 85-1315, effective July 1, 1989.

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language or paraphrase thereof.

SUBPART A: GENERAL PROVISIONS

Section 694.10 Purpose

The purpose of immunization requirements for public and private colleges and universities is to prevent the introduction and spread of vaccine-preventable diseases among students and the secondary spread of such diseases into the surrounding community. This Part specifies the circumstances under which proof of immunization shall be required for enrollment in a public or private college or university.

Section 694.20 Definitions

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"Act" means Sections 1 through 7 of AN ACT concerning education and amending an Act herein named, Public Act 85-1315, effective July 1, 1989.

"Certificate of immunity" means a form acceptable to a post-secondary educational institution signed by a health care provider who has administered an immunizing agent to a student (or has reviewed health records evidencing such administration), specifying the vaccine administered and the date of administration.

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. (Section 1(a) of the Act)

"Designated record keeping office" means the office designated by a post-secondary educational institution as responsible for maintaining student immunization records. In institutions with health services, that office shall be the designated office of record.

"Enroll" means the student is a bona fide member of the post-secondary educational institution's student body receiving academic credit for on-campus instruction.

"Health care provider" means a physician licensed to practice medicine in all of its branches (M.D. or D.O.), local health authority, college or university health service official or a Department recognized vaccine provider.

"One class" means enrollment for less than one-half time as defined by a post-secondary educational institution.

"Post-secondary educational institution" means a public or private college or university covered by Section 1(b) of the Act.

"Proof of immunity" means evidence of appropriate immunization, physician diagnosed disease, or laboratory evidence of immunization documented in writing by a health care provider in accordance with the requirements of this Part. The content of the immunization record form shall be consistent with the format as prescribed on the Certificate of Immunity Form (See Appendix A).

"Student" means any person who enrolls for the first time in an Illinois post-secondary educational institution after July 1, 1989 and who was born on or after January 1, 1957.

"Summary report" means a form developed by the Department for gathering statistical information on the number of students enrolled at a post-secondary educational institution, the number with proof of

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immunity, the number with medical or religious exemptions, and the number otherwise without proof of immunity.

"Student health record" means a record containing the immunization status of a student relating to the vaccine-preventable diseases covered by this Part. The content of the immunization record form shall be consistent with the format as prescribed on the Certificate of Immunity Form. (See Appendix A).

"Term" means any period of on campus instruction offered by a post-secondary educational institution. Students enrolling for the first time during a special term of less than the traditional duration (Summer Session, Interim, Intersession, etc.) may be permitted to enroll in an immediate following term of traditional length before providing proof of immunity in accordance with this part.

SUBPART B: IMMUNIZATION REQUIREMENTS

Section 694.100 Proof of Immunity

- a) Beginning with the Fall, 1989 term, students who enroll at a post-secondary educational institution shall present to the designated record keeping office proof of immunity evidencing the following immunizations:

1) Diphtheria, Tetanus

- A) Any combination of three or more doses of DTP, DT, or Td vaccine, with the most recent dose having been received within 10 years prior to enrollment.

- B) The minimum time interval between the first and second dose must have been at least four weeks, with the third dose having been received at least six months after the second or last dose of the basic series.

- C) Receipt of Tetanus Toxoid (T.T.) vaccine is not acceptable in fulfilling this requirement.

2) Measles

- A) Immunization with live measles virus vaccine on or after the first birthday. If vaccine was received prior to 1988, proof must be provided that a live virus vaccine, without gamma globulin, was administered; or

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- B) Laboratory (serologic) evidence of measles immunity; or
 - C) A physician's signed confirmation of disease history and date of conclusive diagnosis.
- 3) Rubella
- A) Immunization with rubella vaccine on or after the first birthday; or
 - B) Laboratory (serologic) evidence of rubella immunity.
 - C) History of disease is not acceptable as proof of immunity.
- 4) Mumps
- A) Immunization with live mumps vaccine on or after the first birthday; or
 - B) A physician's signed confirmation of disease history and date of conclusive diagnosis.
 - C) Laboratory (serologic) evidence of mumps is not acceptable as proof of immunity.
- b) Proof of immunity may be provided by a certificate of immunity containing the following information:
- 1) The month, day and year of vaccine receipt for measles, mumps, and rubella. Whole year dates (e.g., 1969) are acceptable only when it is clear that the student was at least twelve months of age when the vaccine was received.
 - 2) The month, day and year of vaccine receipt for diphtheria and tetanus.
- c) Proof of immunity may also be provided by a copy of the student's Illinois high school health record which complies with the immunization requirements of this Part.
- d) Additional immunization entries made in a student health record by a post-secondary educational institution shall be based upon a certificate of immunity which complies with the requirements of this Part.
- e) A student who enrolls at a post-secondary educational institution without providing proof of immunity shall be precluded from enrolling at that institution in a subsequent term unless the student provides

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proof of immunity acceptable to the designated record keeping office or is granted a medical or religious exemption by the institution.

- e) Students shall provide proof of immunity each time they transfer to another post-secondary educational institution.

Section 694.110 Record Keeping

- a) The designated record keeping office shall maintain records containing the required elements (as in appendix C) of the immunization status of each student. The required elements shall be in accordance with the Certificate of Immunity Form (Appendix A). The student health records shall be maintained by the post-secondary educational institution.
- b) If an exemption has been granted for medical or religious reasons, or if laboratory evidence of immunity has been submitted, a copy of the request for exemption or the laboratory report must be kept with the student health record.
- c) A post-secondary educational institution shall keep susceptibility lists by disease category indicating the names of all students who have not provided proof of immunity. Such lists shall be disclosed to the Department in health and safety emergencies in accordance with 20 U.S.C. 1231g and the regulations issued pursuant thereto.

Section 694.120 Completion and Submission of the Summary Report

- a) Each post-secondary educational institution shall submit an annual summary report (as in Appendix B) to the Department within eight weeks after commencement of the fall term of the academic year.
- b) The summary report shall be signed by an official of the designated record keeping office certifying that the information provided is correct.
- c) In order to determine compliance with this part the Department, or its designated representative, may audit student health records, as it relates to certification of immunity, from which personal identifiable information has been deleted in accordance with 20 U.S.C. 1231g and the regulations issued pursuant thereto.

SUBPART C: EXEMPTIONS

Section 694.200 Medical Exemption

- a) A student may be exempted from one or more of the specific

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immunization requirements specified in this Part upon acceptance by the designated record keeping office of a written statement by a physician indicating the nature and probable duration of the medical condition or circumstances that contraindicates such immunization(s), identifying the specific vaccine(s) which could be detrimental to the student's health.

- b) Female students may be granted temporary exemption from immunization against measles, mumps, and rubella under paragraph a) above if pregnancy or suspected pregnancy is certified by a written physician's statement.
- c) If student is on an approved schedule of receipt of all necessary doses of Id vaccine, the student will be granted temporary medical exemption for the duration of the approved schedule.
- d) If a student's medical condition or circumstances later permit immunization, the exemption(s) granted under paragraph a), b) or c) above shall thereupon terminate and the student shall be required to obtain the immunization(s) from which he/she has been exempted.

Section 694.210 Religious Exemption

A student may be exempted from the immunization requirements specified in this Part upon acceptance by the designated record keeping office of a written statement by the student (or his/her parent or guardian, if the student is a minor) detailing his/her objection to immunization based upon bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.

Section 694.220 Classification Exemption

Students are exempt from the immunization requirements of this Part if they are enrolled for:

- a) Only one class during a term; or
- b) Instruction solely involving research, field work, or study outside of a classroom environment; or
- c) Instruction which utilizes correspondence as its primary mode of delivery.

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Appendix A Certificate of Immunity Form

Certificate of Immunity

Part I - To be completed by student				Middle Initial		Student Identification Number	
Last Name (Please Print)	First	Home Telephone Number	Form Attending (Check One)	Winter	Spring/Summer	Year	
Date of Birth (Mo/Day/Yr)	Sex M <input type="checkbox"/> F <input type="checkbox"/>		Full <input type="checkbox"/> Partial <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Part II - Compliance by Copy of Certificate of Child Health Examination. Attached (Check box)							
I authorize the _____ to release this immunization record to the Illinois Department of Public Health, or its designated representative, for compliance audits and in the event of a health or safety emergency.							
Student's Signature _____ Date _____							
Part III - To be completed and signed by health care provider*. ALL DATES MUST INCLUDE MONTH, DAY AND YEAR							
Vaccines (Rubella)							
1. Disease confirmed by physician's records? <input type="checkbox"/> Yes <input type="checkbox"/> No							
2. Immunization with live virus vaccine? <input type="checkbox"/> Yes <input type="checkbox"/> No							
3. Immunization with live virus vaccine? <input type="checkbox"/> Yes <input type="checkbox"/> No							
4. Exemption? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Rubella (German Measles)							
1. Immunity confirmed by blood titer? <input type="checkbox"/> Yes <input type="checkbox"/> No							
2. Immunization with live virus vaccine? <input type="checkbox"/> Yes <input type="checkbox"/> No							
3. Exemption? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Mumps							
1. Disease confirmed by physician's records? <input type="checkbox"/> Yes <input type="checkbox"/> No							
2. Immunization with live virus vaccine? <input type="checkbox"/> Yes <input type="checkbox"/> No							
3. Exemption? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Tetanus/Diphtheria							
1. Primary series completed? (Must include at <input type="checkbox"/> Yes <input type="checkbox"/> No							
2. Most recent booster? (Must be within last 10 yrs) <input type="checkbox"/> Yes <input type="checkbox"/> No							
3. Exemption? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Health Care Provider or official of the designated record keeping office verifying above information							
Name (Print) _____ Signature _____ Telephone () _____							
*Physician licensed to practice medicine in all of its branches (M.D. or D.O.), local health authority, college or university health service or a Department recognized vaccine provider.							
For Office Use Only							
Reviewed by _____ Date _____							
Measles (Rubella) <input type="checkbox"/> Rubella (German Measles) <input type="checkbox"/> Mumps <input type="checkbox"/> Tetanus/Diphtheria <input type="checkbox"/> Incomplete <input type="checkbox"/>							

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Appendix A

Certificate of Immunity Form

MUST BE COMPLETED AND RETURNED PRIOR TO THE STUDENT'S FIRST ENROLLMENT

NOTE: Illinois law requires incoming new students to document immunity to measles, rubella, mumps and tetanus/diphtheria.

The following rules will apply:

1. All dates must include **Month, Day and Year**.
2. **Part II:** Proof of immunity may be provided by a copy of the student's Certificate of Child Health Examination from an Illinois high school which provides the complete information necessary to assure compliance with the act. The Certificate of Child Health Examination must be reviewed for compliance and attached to this form. **Part III** need not be completed.
3. **Part III:** must be completed and signed by a health care provider*.
4. All laboratory evidence of immunity must be accompanied by a copy of the laboratory report.
5. History of disease is not acceptable as proof of immunity for rubella.
6. All live virus vaccines must have been given on or after the first birthday.
7. Mumps titer is not acceptable as proof of immunity.
8. Only the following exemptions will be accepted and statements must accompany this record:
Medical Contraindications - A written, signed and dated statement from a physician stating the specific vaccine or vaccines contraindicated and duration or medical condition that contraindicates the vaccine(s).
Religious Exemption - A written, signed and dated statement by the student (or parent/guardian if the student is a minor) describing his/her objection to immunization based upon bona-fide religious tenets or practice.
Pregnancy or Suspected Pregnancy - A signed statement from a physician stating the student is pregnant or pregnancy is suspected.
9. Anyone with a vaccine exemption may be excluded from the college/university in the event of a measles, rubella, mumps or diphtheria outbreak in accordance with public health recommendations.
10. All records not in English must be accompanied by a certified translation.

*Physician licensed to practice medicine in all of its branches (M.D. or D.O.), a local health authority, college or university health service, or a Department recognized vaccine provider

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NOTICE OF PROPOSED RULESAppendix B Summary Report of the Immunization Status of College/University Students Status of
College/University StudentsIllinois Department of Public Health
Division of Infectious Disease
Immunization ProgramSummary Report of the Immunization Status of College/University Students
Academic Year _____

Name of College/University _____

Name of Designated Record Keeping Office _____

Telephone Number _____

Address _____

City, State, Zip Code _____

Instructions:

The summary report should provide the immunization status of the Institution's students as of the 10th day of enrollment. The completed report must be returned directly to the Illinois Department of Public Health within 8 weeks of the beginning of the fall term of the academic year. For additional instructions, see the attachment.

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Appendix B

Summary Report of the
College/University Students

Status

o

Immunization

Appendix C

Required Elements of Health Record

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1. Name
2. Student Identification Number
3. Month, Day, and Year of Birth
4. Sex
5. Term and Year of First Entry
6. Dates to Establish Immunity to Measles (Rubella)
7. Dates to Establish Immunity to Rubella
8. Dates to Establish Immunity to Mumps
9. Dates to Establish Immunity to Tetanus/Diphtheria
10. Date of Most Recent Tetanus/Diphtheria Booster
11. Phone Number of Certifying Health Care Provider
12. Name and Signature of Health Care Provider

Part I - Immunization Status of Students by Disease Category				
Detail of Immunization Status	Tetanus/ Diphtheria	Measles	Rubella	Mumps
A. Number of students protected and in compliance with immunization requirements				
B. Number of students unprotected but in compliance with immunization requirements (Total of 1, 2 and 3 below)				
1. Documentation of religious objection				
2. Documentation of medical contraindication				
3. Approved schedule from physician/clinic for completion of required doses				
C. Number of students not in compliance				
D. Sanitary Exemptions				
E. Total of A, B and C				
Part II - Student Enrollment and Compliance Summary				
A. Total official head count enrollment				
B. Total head count required to provide proof of immunity				
C. Total number of students currently enrolled not in compliance				
Part III - Certification				
Name of person completing report	Title	Telephone Number	Completion Date	
I certify that the foregoing information is correct and complete in accordance with the institution's records as of this date.				
Signature of Designated Record Keeper			Date	

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1) Heading of the Part:

Program Content and Guidelines for Title X Family Planning Services

2) Code Citation:

77 Ill. Adm. Code 635

3) Section Numbers:

635.20	Amendments	Proposed Action:
635.30	Amendments	
635.35	New Section	
635.40	Amendments	
635.50	Amendments	
635.60	Amendments	
635.70	Amendments	
635.80	Amendments	
635.90	Amendments	
635.110	Amendments	
635.130	Amendments	
635.140	Amendments	
635.150	Amendments	
635.160	Amendments	
635.170	Amendments	
635.180	Amendments	
635.190	Amendments	
Appendix A	New Section	
Appendix B	New Section	
Appendix C	New Section	

4) Statutory Authority:

The Civil Administrative Code of Illinois
Ill. Rev. Stat. 1987, ch. 127, par. 55.

5) A Complete Description of the Subjects and Issues Involved:

The Family Planning Services Program awards funds through an application process to public and private not-for-profit entities to provide high quality, comprehensive, voluntary family planning services to individuals of reproductive age whose income level is at or below 250 percent of the poverty level. The funding sources currently include Title V, Title X, Title XX and general revenue. The varying grant periods and funding mechanisms associated with each of these sources (i.e., Title V, a grant program on federal fiscal year; Title X, a grant program on calendar year; Title XX, a fee for service program on state fiscal year; and

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General Revenue, a grant program on state fiscal year) have fragmented the program and duplicated services. The proposed amendments are intended to consolidate the Family Planning Program by combining all the rules into one complete inclusive set of rules and converting all awards to delegate agencies to a fee for service reimbursement mechanism distributed on the state fiscal year.

This proposal concerns changes in: Expanding the definition of "program income" to cover gross income earned by a delegate agency, budgeted for activities described in the project and generated as a result of having received this grant; a definition of "Satisfactory Performance" for a delegate agency; expansion of personnel policies as prescribed for the delegate agencies; all delegate agency facilities must comply with the BCHS Ambulatory Health Care Standards. In addition, all hospital based providers must meet the Joint Commission of Accreditation of Standards for Ambulatory Care Services; travel reimbursement policies for delegate agencies must be approved and on file with the Department; the methodology for the annual cost analysis for a delegate agency shall be prescribed by the Department; a redefining of requirements for Community Education and Information and Education Advisory Committee.

The proposed amendment will help resolve inconsistencies in application procedures, reporting requirements, evaluation methods and reimbursement mechanisms. In addition, it will increase the efficiency of the service delivery system and the management of the program. Bringing all funds together in one allocation formula with the same award or project period using the fee-for-service as reimbursement system allows several efficiencies. It removes the confusion for providers as to how to identify funds per patient and expenditure in the program. Using the CVR as both a record of services provided and a billing form eliminates the time and effort now expended in preparation of monthly vouchers. Cash flow for providers should be improved since the data/billing reports are received on a monthly schedule. Calculation and printing of fees per service is completed with data entry and the monthly printout provides the billing forms.

The status of total funds, as well as funds utilized per agency, will be more readily available permitting distribution changes among agencies so that service dollars can be more adequately utilized. This does represent a major shift in dollars for those delegate agencies that have been conducting community education programs without a patient service orientation; the economic impact is expected to be minimal. Further comment on the economic impact of this proposal is welcome.

The anticipated adoption date of these proposed rules is within six to nine months of initial publication in the Illinois Register.

6) Will this Proposed Rulemaking Replace an Emergency Rule Currently in

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Effect?Yes No X7) Does this Rulemaking contain an Automatic Repeal Date? Yes No XIf "yes," please specify the date:

8) Does this Proposed Rulemaking Contain Incorporations By Reference?

Yes X No If "yes," please specify type: 6.02(a) X or 6.02(b) X

9) Are there any other Proposed Amendments Pending on this Part?

Yes No XIf Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

10) Statement of Statewide Policy Objectives:

Please specify: To combine Title X, Title XX and MCH Block Grant rules for family planning services into one complete all inclusive set of rules for family planning which will standardize the program and reduce paperwork. To combine all family planning programs to fee for service on a state fiscal year will help to allocate resources equitably and maximize the number of medically served clients.

11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

Date, Time and Location of Public Hearing:TO BE ANNOUNCED IN THE ILLINOIS REGISTER.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any

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small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

March 31, 1989

B) Type of Small Businesses Affected:

Doctors, laboratories, or the delegate agencies may be affected.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Delegate agencies will be required to submit an annual application and report from the local Information and Education Committee; semiannual financial, program performance, and BCHS Common Reporting Requirements (BCRR) reports; quarterly community education, sterilization, and sexually transmitted diseases testing reports; and monthly clinic visit records (CVR) for each client.

D) Types of Professional Skills Necessary for Compliance:

Staff shall possess the appropriate licensure or certification to perform their duties.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH

each year which will assess current needs within the State and provide goals and objectives for improving the health of mothers and children and for reducing infant mortality.

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER 1: MATERNAL AND CHILD HEALTH

PART 635

PROGRAM-CONTENT-AND-GUIDELINES-FOR-TITLE-XFAMILY PLANNING SERVICES CODE

Section	
635.10	Legislative Base
635.20	Administration
635.30	Definitions
635.35	Incorporated Materials
635.40	Standards and Policies for Personnel of Delegate Agencies
635.50	Financial Management System and Audits of Delegate Agencies
635.60	Charges and Billing Procedures of Delegate Agencies
635.70	Written Policies, Protocols and Procedures of Delegate Agencies
635.80	Required Services
635.90	Quality Assurance
635.110	Clinic Schedule
635.120	Clinic Management
635.130	Community Education and Information and Education Advisory Committee
635.140	Family Participation Plan
635.150	Applications
635.160	Reporting Requirements
635.170	Termination
635.180	Review Under Administrative Review Law
635.190	Illinois Family Planning Clinic Visit Record
Appendix A	A Guide to Cost Analysis Developing Cost Based Fees and Sliding Fee Scale
Appendix B	Family Planning Services Application Packet
Appendix C	

AUTHORITY: Authorized by Section 55 of "The Civil Administrative Code of Illinois" (Ill. Rev. Stat. 1987, ch. 127, par. 55).

SOURCE: Emergency rule adopted and codified at 7 Ill. Reg. 8364, effective July 6, 1983, for a maximum of 150 days; adopted at 7 Ill. Reg. 16955, effective December 9, 1983; amended at 13 Ill. Reg. _____, effective _____.

Section 635.20 Administration

- a) Planning for all Maternal and Child Health (MCH) programs, including family planning services, is the responsibility of the Illinois Department of Public Health (Department). The Department will develop a program plan for maternal and child health services

- b) Highest priority for funding will be given to those areas in Illinois having high concentrations of low-income or marginal-income families and underserved areas. The Department shall fund delegate agencies which will provide family planning services consistent with the intent of ~~Title-X~~ Family Planning legislation.

- c) The Department will arrange for the provision of family planning services through agreements with delegate agencies. Each delegate shall be required to enter into a written agreement with the Department ~~prior-to-the-project-period~~.

- d) Agencies eligible to apply for funding must be recognized by the Department, i.e. public or private not-for-profit organizations having documented capability of administering and providing qualified family planning services. Each delegate shall operate according to an approved plan written in accordance with this Part which is consistent with ~~Title-X~~ and ~~the~~ Federal and State regulations (see Section 635.30).

- e) The Department will annually evaluate the need for family planning services by using inspections, records and reports in order to develop a statewide plan for the effective and efficient provision of family planning services. Inspections will involve an on-site review of delegate agencies to ensure that implementation of program plans, which are required, are consistent with this Part.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.30 Definitions

"Agreement" means the written contract between the Department and delegate agency prepared by the Department and authorized by both parties.

"Delegate agency" means a public or private not-for-profit entity which provides family planning services under a negotiated written agreement with the Department.

"Family" means a social unit composed of one person, or two or more persons living together, as a household.

"Family planning services" means those medical, social, educational and referral services related to the avoidance,

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American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036-8775

- 2) "Program Guidelines for Project Grants for Family Planning Services" published by the U.S. Department of Health and Human Services (U.S. G.P.O. 1981, 0-341-166/6348), U. S. Department of Health and Human Services, Public Health Service, Health Services Administration, Bureau of Community Health Services, Office for Family Planning, 5600 Fishers Lane, Rockville, Maryland 20857.
- 3) Department of Health and Human Services Instruction Manual for BCHS Common Reporting Requirements (1982). U.S. Department of Health and Human Services, Public Health Service, Health Services Administration, Rockville, Maryland 20857.
- 4) BCHS Ambulatory Health Care Standards. U. S. Department of Health and Human Services, Public Health Service, Health Services Administration, Bureau of Community Health Services, Rockville, Maryland 20857.
- 5) Accreditation Manual for Hospitals (1989). The Joint Commission on Accreditation of Healthcare Organizations, 875 North Michigan Avenue, Chicago, Illinois 60611.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 635.40 Standards and Policies for Personnel of Delegate Agencies

- a) The qualifications of persons employed by delegate agencies shall meet as a minimum the Department's "Rules" concerning "Minimum Qualifications for Public Health Personnel Employed by Full-time Local Health Departments (77 Ill. Adm. Code 600). Delegate agencies must have a medical director who is a physician licensed to practice medicine in all its branches with Obstetrics/Gynecology training or experience in the delivery of family planning services. The medical director shall be responsible for and supervise the medical care component of the program and approve written policies under which physicians, nurse practitioners, certified nurse midwives, nutritionists and physician assistants provide family planning services. Staff shall possess the appropriate licensure to perform their duties. Copies of licenses must be on file at the agency. All professional staff who require licensure or certification must be licensed or certified by the Illinois Department of Registration and Education. Any person employed at an individual delegate agency prior to July 6, 1983, may continue to serve at that agency

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only; even though he/she the person may not meet the qualifications cited above.

- b) Delegate agencies shall have written personnel policies which cover in compliance with Title VI, the Civil Rights Act of 1964, (42 U.S.C. 2000e et seq.), available and distributed to all personnel. These shall include staff recruitment, selection, performance evaluation, promotion, termination, compensation, benefits, organizational chart and grievance procedures. All agencies shall also ensure:
 - 1) That personnel records are kept confidential;
 - 2) That personnel policies shall assure that no persons shall be subjected to discrimination on the grounds of age, handicap, race, color, creed, religion, sex or national origin. Affirmative action shall be taken to ensure equality of opportunity in all aspects of employment. Annual comprehensive reviews of operating procedures shall be made to assure that practices continue to be in conformity with the above requirements;
 - 3) That written job descriptions must be on file for each position and are available for all positions, they must be reviewed at least annually and updated if changes in duties have occurred; when necessary to reflect changes in duties, an annual review of job performance must be conducted for each staff member;
 - 4) That an evaluation and review of job performance of all project personnel be conducted annually;
- e) That orientation of new staff, as well as and in-service training of all staff, is required must be provided. An in-service training plan for skill development and documentation of staff attendance at continuing education activities and other training sessions must be maintained by the delegate agency as well as a detailed plan for in-service training.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.50 Standards for Facilities of Delegate Agencies

Clinic facilities of delegate agencies shall be located in areas accessible to clients and should be open at times convenient to those seeking service. Provisions must be made for access by handicapped persons. All facilities must meet applicable local fire and building codes (as evidenced by

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documentation of approval of authorities charged with enforcing those codes), must provide adequate space, and must ensure privacy for examination and counseling services and must comply with the BCHS Ambulatory Health Care Standards. In addition, all hospital based providers must meet the Joint Commission of Accreditation of Standards for Ambulatory Care Services. If surgical procedures are to be performed, the facility must be in full compliance with the State's Ambulatory Surgical Treatment Center Licensing Act and rules pursuant thereto (Ill. Rev. Stat. 1981, ch. 111-1/2, par. 157-8.1, et seq. (77 Ill. Adm. Code 205).

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.60 Financial Management Systems and Audits of Delegate Agencies

- a) Budgets - All delegate agencies and potential delegate agencies shall submit a budget proposal for each fiscal year for approval by the Department based on Section 635.60(b). This budget must include all program income related to family planning, which and provide for all such income to be retained by the delegate agency and used for program purposes. Any changes in the budget must be submitted in writing to the Department. All proposed changes must specify the amount of dollars involved, the type of change requested and the reason for the change. At least ten percent of the budget must come from sources other than the Family Planning Program grant award.

- b) Use of project funds - Funds will be used only for the direct cost of administering, operating and maintaining a project. The following direct costs are examples of those which may be incurred when specified in the Agreement:

- 1) Personal services costs, including salaries and fringe benefits for full-time and part-time employees of the project.
- 2) Fees for consultants, specialists and other operating contractual requirements, pursuant to Section 15 of "An Act in relation to State finance" (Ill. Rev. Stat. 1981, ch. 127, par. 151a) exclusive of consultant services for patient care.
- 3) Travel of personnel, consultants and specialists in carrying out the activities approved for the applicant's program. Travel costs are the expenses for transportation, lodging, and subsistence for personnel who are on travel status on official business for the organization. Such costs will be charged on an actual basis, i.e., mileage and per diem when necessary; however, reimbursement shall not exceed the

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maximum rate established in the Travel Regulations promulgated by the Department of Central Management Services (80 Ill. Adm. Code 30002800) effective on the date of travel, unless otherwise agreed upon and specified in the contract drawn between the applicant agency and the Department.

- 4) Supplies/commodities (Ill. Rev. Stat. 1981, ch. 127, par. 151b), as required in the operation of the project, which are directly related to its operations.
- 5) Direct costs of installation, operation and maintenance of equipment previously included in the project application and directly related to the provision of the service(s) funded. All equipment purchased in total or in part with project funds shall be the property of the Federal Government. A complete and current inventory of equipment shall be maintained and be available for audit. No property shall be sold, leased, or otherwise disposed of without prior written authorization from the Department ("equipment" as defined in Ill. Rev. Stat. 1981, ch. 127, par. 156) AN ACT in relation to state finance.
- 6) Purchase of outpatient care.

c) Program Income

- 1) Program income shall be retained by the delegate agency and used to fund project activities.
- 2) The delegate agency may charge recipients for services not required in Section 635.90, that are provided by the project, but must apply a schedule of discounts consistent with requirements of Section 635.70(b), and 635.70(c) and 635.70(d) of this Part and 45 CFR 59.5(a)(7)(8).

d) Reimbursement Procedures - Delegate agencies shall request reimbursement by submission of a State of Illinois Invoice Voucher and the Format for Project Billings sheet which are available from the Department.

- 1) Delegate agencies with funding in excess of \$50,000 service grants shall submit billings monthly to receive reimbursement based upon information provided on the Clinic Visit Record (CVR) forms submitted by each agency. All others must submit billings at least quarterly, although any agency may submit monthly billings. The CVR is Appendix A of this Part.

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2) Delegate agencies with outreach and development grants shall receive reimbursement based upon an approved budget and plan.

\$50,000.00 purchased from project funds.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

23) Billings must be submitted within 30 days of the end of the billing period, except for the final billing at the end of the fiscal year, which must be submitted within 60 days of the end of the period.

Section 635.70 Charges and Billing Procedures for Delegate Agencies

3) Delegate agencies must identify each expenditure submitted for reimbursement with a voucher or check number in order to maintain a clearly defined audit trail. All expenditures relating to the title X-funded program must be traceable through the delegate agency's internal record system. Invoices, bills, purchase orders, etc., must be attached or cross-referenced on the agency vouchers or check stubs and kept on file for three years beyond the end of the grant award period.

a) Cost Analysis - An annual cost analysis of required services shall be completed by each delegate agency which categorizes actual expenses to services rendered utilizing methodology prescribed by the Department in the Guide to Cost Analysis, Developing Cost Based Fees and Sliding Fee Scale is Appendix B of this Part.

b) Charges - persons with incomes at or above 250 percent of poverty level are to be charged the full cost for services received, based on the delegate agency's cost analysis. Low income persons are not to be charged for the services provided. No one may be denied services due to an inability to pay. Charges for services provided to minors on a confidential basis are only required to be based on the resources of the minor. Each delegate agency shall have written policies regarding the procedure to be used to determine the appropriate fee discount for marginal income families, who will be responsible for determining a client's discount, what information shall be collected to determine discount, and how that information will be recorded in the client's record, procedures for updating client information, and who is responsible for notifying the client of charges.

4) Expenditures must be documented by dates of issue of voucher or check, name and address of organization or individual to whom payment was made, and purpose of the expenditure. For periodic charge such as salaries, fringe benefits, rent, utilities, etc., the time period covered must be documented.

5) In cases in which references to patients must be made to maintain an audit trail, agencies shall use record numbers or other means of identification rather than patient names.

6) The delegate agency director or her/his authorized agent must sign the reimbursement request.

e) Audits - Audits of the delegate agencies will be conducted at least every two years and will be performed in accordance with the following standards such as, but not limited to, "An Act relating to internal auditing in State government" (111-Rev.-Stat.-1981, ch.-127, pars.-136-1 through 136-4), in accordance with the standards promulgated by the Comptroller General of the United States General Accounting Office (45 CFR 74, Appendix G & H), the 1982 and the Professional Standards of the American Institute of Certified Public Accountants (Volume I, Section 150, November, 1982). Interim audits of the delegate agency may be conducted at any time by the Department to ensure fiscal/compliance integrity. Agencies shall retain, for at least three years after the end of the grant period, all financial records of expenditures, third-party reimbursements and other program income, and inventory records of all equipment with a unit cost in excess of

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.80 Written Policies, Protocols and Procedures of Delegate Agencies

a) The delegate agency must develop written policies, protocols and procedures for family planning services. Written policies, protocols and procedures under which physicians, nurse practitioners, certified nurse midwives, and physician assistants and nutritionists provide family planning services must be approved by the delegate agency's medical director.

b) Policies regarding eligibility for services shall not exclude anyone on the basis of duration of residency, age, race, marital status, religion, color, national origin, creed, handicap, sex,

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number of pregnancies, method of referral, or contraceptive preference. Services shall be provided only on a voluntary basis. These documents shall be updated as needed based on current state of the art in family planning and Federal and State requirements. Agency protocols will be subject to intensive review at site visits by Department staff to determine their completeness and compliance with program requirements and standards this Part.

c) Written policies, protocols and procedures must include:

- 1) Intake procedures for new clients
- 2) Patient education
- 3) Obtaining written informed consent
- 4) Schedule and content of visits
 - A) Initial
 - B) Annual
 - C) Scheduled return visits, specific to type of method of contraception
 - D) Problem visits, specific to type of problem
- 5) Counseling procedures
- 6) Referral procedures
- 7) Follow-up procedures for appointments, failed appointments, and referrals
- 8) Maintenance of client records
- 9) Approved medical orders
- 10) Maintenance and distribution of pharmaceuticals
- 11) Organizational structure of the unit and functional responsibilities of medical, nursing and ancillary personnel
- 12) Medical Procedures
 - A) Pap smears and gonorrhea cultures

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- B) Intrauterine Bdevice (IUD) insertions
- C) Fitting diaphragms/cervical caps
- D) Treatment of Ssexually transmitted Bdiseases (STD)
- E) Initiating oral contraceptives
- F) Laboratory procedures
- G) Treatment of minor gynecologic problems
- H) Other medical procedures performed
- 13) Release of patient records
- 14) Emergency procedures

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.90 Required Services

Delegate agencies are required to deliver the following services and components either directly on-site or by referral. Minimum requirements for routine contraceptive management which shall be met are included in "Program Guidelines for Project Grants for Family Planning Services" published by the U.S. Department of Health and Human Services (45-CFR-92.101-1981-0-341-1667-6348 and 45 CFR 59.54(1,2,8)). Abortions shall not be provided by delegate agencies as a method of birth control.

a) Client education

- 1) Male ~~and~~ female anatomy and physiology
- 2) Conception - the importance of prenatal care, and risks associated with childbearing at the extremes of the reproductive age span i.e. less than 17 years of age and over 34 years of age
- 3) Contraception - including action, effectiveness, use benefits, risks and side effects ~~and complications of each~~
- A) Male ~~and~~ female sterilization
- B) Oral contraceptives

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- C) IUDs
- D) Contraceptive sponge
- E) ~~Foam~~ and condoms and vaginal contraceptive film
- F) Diaphragm and cream/jelly (cervical cap if available)
- G) Natural family planning (NFP)
~~(Rhythmovulation/sympto-thermal)~~
- H) Withdrawal
- I) Post-coital contraception (i.e., Diethylstilbestrol (DES))
- J) Abstinence
- b) Counseling
- 1) Method selection
- 2) Compliance with treatment
- A) Method used
- B) Return appointments
- C) Follow through with referrals
- 3) Special Counseling
- A) Nutrition problems
- B) Sexual/social problems
- C) Pregnancy options
- D) Genetics
- c) Examination
- 1) History
- A) Initial history
- i) Menstrual history including age of menarche, when periods became regular, date of last normal

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- menstrual period, abnormal periods or intermenstrual bleeding
- ii) Past medical/surgical history including allergies, STD, immunizations, (especially rubella status), medications, review of systems
- iii) ~~Past reproductive history~~ Pertinent history of biological parents and immediate family including heart disease, strokes before age 50, high blood cholesterol or fats, kidney disease, diabetes, high blood pressure, cancer, genetic problems
- iv) ~~Past contraceptive~~ Reproductive history, number of pregnancies, outcome, complications and weight of infant at birth
- v) Social history including sexual activity, age at first intercourse, frequency of intercourse, number of partners, and drug/tobacco use/abuse
- vi) ~~In utero exposure to DES~~ Contraceptive history including methods used, length of use, major side effects and complications
- vii) In utero exposure to diethylstilbestrol (DES)
- B) Interim history
- i) Interim medical/surgical history
- ii) Assessment of any side effects of contraceptive, specific to method used
- iii) Menstrual history
- 2) Physical Exam
- A) Initial exam and annual exam
- i) Height and weight
- ii) Blood Pressure
- iii) Thyroid
- iv) Heart

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- v) Lungs
- vi) Abdomen
- vii) Extremities
- viii) Breast with instruction in self-breast exam
- ix) Pelvic exam, including external genitalia; speculum exam including vagina, visualization of cervix; bi-manual exam including uterus, adnexa; and rectal exam, as indicated needed

B) Special return visits

- i) IUD - abdominal palpation, bi-manual exam and speculum exam for string-check visualization of IUD string (two to six weeks after insertion)
- ii) Pill - Blood pressure with interim history after initial three months of use, after second three months of use, again after six months of use (3-3-7) and then every six months thereafter alternating with annual exams (6-7)
- iii) Diaphragm/cervical cap - pelvic-to recheck fit (approximately two weeks after initial fitting)
- iv) Problem visit - review of related system(s), appropriate laboratory tests
- v) Gonorrhea culture for clients with previous history of pelvic inflammatory disease (PID), previous history of gonorrhea, multiple partners, new partner(s), symptoms of STD, on client request, and clients requesting IUD insertion

3) Laboratory tests

A) Initial visit

- i) Hemoglobin or hematocrit
- ii) Pap smear
- iii) Gonorrhea culture for clients requesting IUD-

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~~insertion, for those with high potential for exposure, or with previous history of pelvic inflammatory disease (PID), previous history of gonorrhea, multiple partners, new partner(s), symptoms of STD, on client request, and clients requesting IUD insertion~~

iv) Urinalysis for protein and glucose

B) Annual visits

- i) Hemoglobin or hematocrit
- ii) Pap smear
- iii) Gonorrhea culture as indicated for clients with previous history of PID, previous history of gonorrhea, multiple partners, new partner(s), on client request and clients requesting IUD insertion

C) Special tests as indicated

- i) Pregnancy test
- ii) Wet smear
- iii) Urine culture and sensitivities
- iv) Blood sugars
- v) T₃, T₄, TSH (Thyroid Hormones)
- vi) White Blood Count (WBC) and differential
- vii) Rubella titer if not known
- viii) Sickle cell screen if indicated and not known
- ix) Herpes titer/culture
- x) Blood group and Rh type
- xi) VDRL/RPR/serology (test for syphilis)/serology
- xii) Liver studies

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xiii) Chlamydia test

d) Infertility services

- 1) Initial infertility history
- 2) Education
- 3) Physical exam (same as initial visit)
- 4) LabLaboratory tests (same as initial visit)
- 5) Counseling
- 6) Referral as indicated

e) Pregnancy Services

- 1) Pregnancy testing
- 2) History and physical exam for confirmation
- 3) Nondirective counseling on all options if test is positive, and referral as requested
- 4) Family planning information if test is negative

f) Adolescent Services

- 1) Counseling in all methods
- 2) History and physical exam as indicated including lablaboratory tests
- 3) Parental involvement via agency plan for family participation and as required by applicable State statutes regulations and administrative rules promulgated pursuant thereto.

g) STD Services

- 1) Lab Laboratory screenings
- 2) Reporting of positive cases to the State STD Program or its designated agent as required by State or local ordinance
- 3) Counseling, treatment and follow-up of infected individuals

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4) Follow-up of contacts for testing/treatment

h) Identification and Follow-up of Diethylstilbestrol (DES)
exposed clients

- 1) DES history for clients born between 1940 and 1970
- 2) Counseling of exposed individuals regarding potential risks/problems
- 3) Colposcopy or referral for exposed females

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.110 Quality Assurance

A system of quality assurance shall be established by each delegate agency. The quality assurance system, at a minimum, will include a monthly chart audit review to evaluate the completeness of records and compliance of services with approved medical standards and protocols, annual staff evaluation to ensure quality of services, utilization of community needs assessment to ensure targeting of services, log book for documentation and follow-up of referrals, documentation and follow-up for patients with abnormal findings, and a methodology to provide follow-up for patients with failed appointments.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.120 Clinic Schedule

A clinic schedule must be developed by each delegate agency which will assure that services are provided on the days and at the times when clients can make maximum use of services consistent with efficient clinic management.

Section 635.130 Clinic Management

- a) Equipment and supplies used in the facility must be safe and adequate in number for the clinic size. Supplies such as syringes, needles and pharmaceuticals must be kept in a secure place with access limited to appropriate medical-and-laboratory agency staff per agency protocol. An inventory shall be maintained of all supplies.
- b) Prescriptions must be filled and filled, or ~~medication~~ medication supplied under the order of the delegate agency's medical director. Emergency drugs for resuscitation must be on hand and readily available to the examination rooms for use if needed. If rubella vaccines are not provided by the agency, information

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concerning treatment for the client must be provided.

- c) Medical records must be maintained in a systematic, complete, and confidential fashion. These records shall include at a minimum personal data including mechanism for client contact, history, physical exam, lab test, referral with notations regarding follow-up, problem lists, counseling session notations, telephone contacts between client and agency, and educational checklist. All entries in progress notes, physical exams and histories must be signed by the clinician performing the service. Signed informed consent forms must be on file for all treatments and procedures performed.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.140 Community Education and Information and Education Advisory Committee

- a) Delegate agencies are required to plan and implement a community education program which shall be based on a community-needs assessment supportive to the acceptance and use of family planning services.

b) Plans shall include:

- 1) Identification listing of local entities which serve persons of reproductive age such as clinics, mental health facilities, health departments, churches, hospitals, schools, youth organizations, and other volunteer and community organizations;

- 2) A curriculum and schedule of contact of in-service training for the staff of the above agencies to educate them provide information on the purpose of family planning, to give them assistance with client counseling, and to develop referral linkages; and to offer public education programs;

- 3) Provisions for media information campaigns to inform the potential user groups of the availability and accessibility of family planning services; and

- 4) Provision for a public program to provide information on family planning services and to encourage active parent involvement in the reproductive education of their children.

- c) Each delegate agency shall have an Information and Education

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Advisory Committee composed of individuals representative of the community served and knowledgeable about family planning services. The Committee shall have at least five and no more than nine members. The function of the Committee is to review and approve all materials prepared for the Family Planning program clients and/or community information or education. The Committee will be responsible for assuring the accuracy of facts presented and the suitability of the material for the intended audience. Copies of Minutes of Committee meetings must be kept on file at the delegate agency and submitted annually to the Department.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.150 Family Participation Plan

- a) Each delegate agency must prepare and implement a plan and procedures to encourage families to participate in the education, counseling, and contraceptive activities of their children who are agency clients.

b) Examples of activities which plans may include are:

- 1) Special education sessions for parents;
- 2) Workshops for parents on sexuality education of their children;
- 3) Encouraging minors to bring their parents with them on clinic visits; and
- 4) Special counseling procedures for adolescents requesting services concerning parental involvement.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.160 Applications

a) Processing of Applications

- 1) All forms will be provided by the Department. These are included as Appendix C of this Part.

- 2) Applications shall be submitted no later than four weeks prior to the beginning of the funding period no later than the announced due date.

- 3) The Department shall review the applications and request-

any additional information from the applicant, as necessary, to complete or clarify the application for completeness.

4) Upon review of the application and recommendations from staff, the Director shall award grant funds to the approved applicants. The Department may award funds for amounts less than requested in the grant application contingent upon the number of applications, Federal funding levels, etc. and State appropriations.

5) The Department will communicate final decisions to each applicant within 45 days of receipt of the completed application or upon notification of appropriation of funds.

b) Continuing Applications

Continuing applications shall include progress reports and proposed revisions to the delegate agencies' project plan and budget submitted annually. Statements of progress shall be based upon goals, objectives and purposes set forth in the applicant's plan and shall be correlated with evaluation reports developed pursuant to Section 635.20(e), made by the Department.

e) Revisions

1) All changes in any delegate agency's project plan and/or budget must be submitted in writing and must be determined by the Department to be in compliance with this Part, prior to the implementation of such change.

2) Each proposal for change shall include, at a minimum, a description of the proposed change and a justification stating why such change is necessary. Budget revisions shall specify the number of dollars involved, the type of changes proposed, and the reasons therefor. Telephone requests for emergency changes will be considered in accordance with this Part. All approved telephone requests shall be followed by written documentation, as set forth above, prior to reimbursement. Revisions may be required by the Department pertaining to a project's funding, duration and amount contingent upon changes in Federal and/or State funding allocations to the Department. Delegate agencies will be notified in writing of any required revisions.

d) Budget

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- 1) As part of the project application, all applicants shall submit a budget proposal for the project period. The budget proposal shall be submitted on forms provided by the Department and shall include all information required in the instructions for the completion of this basic format may be adapted by the individual project to meet its particular programmatic needs, but shall not alter, omit, or reduce in detail the information required in this Part.
- 2) The budget shall be divided into major line items of expenditure. Not all line items will apply to all projects. In preparing its budget, each project should use only those line items applicable to its own operation (Ill. Rev. Stat. 1981, ch. 127, par. 149).

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.170 Reporting Requirements

Delegate agencies are required to submit to the Department in accordance with the Family Planning Program annual calendar or risk penalty:

- a) A Clinic Visit Record (CVR) form provided by the Department for each client visit to the contracting computer firm. The visit form is the input document for the computer-based information system.
- b) Applicable portions of the Bureau of Community Health Services Common Reporting Requirements (BCRR) of the Department of Health and Human Services (DHHS) to the Department (Title X of the Public Health Service Act, Section 1009, a, b, c). Each report shall be submitted in accordance with the DHHS Instruction Manual for the BCHS Common Reporting Requirements (42-CFR-59.5) included as Appendix D of this Part. Late submission of this report may result in a decrease in the following year's award.
- c) Semiannual and Annual performance reports (original and one clear copy to be submitted within 45 days of the end of the funding period) to the Department addressing the following points:
 - 1) Comparison of the objectives enumerated in the approved project plan with the actual achievements of the project.
 - 2) Changes in the project; e.g., in facilities or equipment, services and activities, population served, etc.
 - 3) Unresolved problems; e.g., with fiscal resources, external

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relationships, etc. and issues which need to be addressed in the future.

- d) ~~Expenditures shown as backup documentation on reimbursement vouchers will serve as expenditure reports. All minutes of the Local Information and Education Advisory Committee activity to the Department.~~

- e) Annual inventory report identify equipment purchased with project funds during the award period.

- f) Quarterly reports to the Department addressing:

- 1) Community education activity;
- 2) Sterilization service activity if no annual sterilization waiver letter was provided; and

- 3) Sexually transmitted diseases (STD) testing activity.

- g) Semiannual and annual financial status report including all funds utilized for the Family Planning Program to the Department.

(Source: Amended at 13 Ill. Reg. _____, effective _____)
Section 635.180 Termination

- a) All grants shall terminate on the dates specified in the contracts and shall not be extended or renewed except as provided for in this Part.

- b) A delegate agency with unsatisfactory performance for two consecutive years will have funding terminated. The grant contract may be terminated by the delegate agency either party upon a 30 day written notice to the Department. Unallocated monies will be used to expand existing projects or to fund new projects in underserved areas based on need in the service area, experience in provision of services, and plans to accomplish goals.

- c) The Director, after notice and opportunity for hearing to the delegate agency, may suspend or terminate the grant in any case in which he/she finds that there is or has been a violation of title X (Section 635.30 of this Part) and/or this Part.

- d) Such notice shall be effected by registered mail, by certified mail, or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the

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delegate agency shall be given an opportunity for a hearing. Such hearing shall be conducted by the Director or by an employee of the Department a person designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the delegate agency, the Director shall make a determination specifying his findings and conclusions. A copy of such determination shall be sent by registered mail, by certified mail, or served personally upon the delegate agency. The decision shall become final 35 days after it is so mailed or served, unless the grantee, within such 35 day period, petitions for review pursuant to Section 635.200(19).

- e) The procedure governing hearings authorized by this Part shall be in accordance with Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

- f) If, however, the Department finds that:

- 1) The public interest, including financial interest, health, safety, or welfare requires emergency action; (emergency action would result from such instances as, but not limited to bankruptcy and/or insolvency, fraud, and financial instability) and;

- 2) Unless the Department receives assurances adequate to the Department from the delegate agency that grant funds held by the delegate agency are secure, and;

- 3) If the Director incorporates a finding to that effect in the order; then

- 4) Summary suspension of the grant shall be ordered pending proceedings for termination or referral to State or Federal authorities, which proceedings shall be instituted within one week of summary suspension and promptly determined.

- g) In no case where summary suspension has been ordered shall reimbursement be made to the delegate agency for costs incurred or funds expended after the date of summary suspension unless, after conclusion of the proceedings, such reimbursement or payment is ordered by the hearing officer, administrative law judge or court of competent jurisdiction.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 635.190 Review Under Administrative Review Law

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Whenever the Department suspends or terminates a grant the grantee may have such decision judicially reviewed. The provisions of the Administrative Review Law and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

(Source: Added at 13 Ill. Reg. _____, effective _____)

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Appendix A Illinois Family Planning Clinic Visit Record

ILLINOIS FAMILY PLANNING CLINIC VISIT RECORD

Name _____

Address _____

Pt # _____

Phone # _____

SECTION A		ALL VISITS	
1. FORM NUMBER			
2. SERVICE SITE NUMBER			
3. PATIENT NUMBER			
4. DATE OF VISIT			
5. PURPOSE OF VISIT (check one)			
1. Initial Visit			
2. Follow-up Visit			
3. Routine Visit			
4. Problem Visit			
5. Supply Visit			
6. Education/Counseling Visit			
7. Non FP Visit			
6. DATE OF BIRTH			
7. PRIMARY SOURCE OF PAYMENT (check one)			
1. Medicaid Only			
2. No Fee (100%)			
3. Part Fee (10%-25%)			
4. Full Fee			
5. PNF Only			
6. Medicaid and PNF			
8. BILLABLE MEDICAL SERVICES			
1. Minimal Service			
2. Brief/Int. Exam			
3. Extended Exam			
4. IUD Insertion			
5. Contraceptive Fi			
6. HGB/ACT			
7. UA			
8. Pregnancy Test			
9. VDRL			
10. PAP Smear			
11. Gonorrhea			
12. Wet Mount			
13. Misc Culture			
14. Sickle Cell			
15. BP Blood Gluc			
16. Thyroid			
17. SMA-12			
18. Colposcopy			
19. Colposcopy & Biopsy			
20. Sonography/LU			
21. X-Ray/LU IUD			
22. Chlamydia Test			
23. None			
9. BILLABLE COUNSELING SERVICES			
1. Indisputable			
2. Counseling/15 min. to 1 Hr.			
10. ROUTINE COUNSELING SERVICES			
1. Sterilization			
2. Contraception			
3. Intimacy			
4. Pregnancy			
5. STD			
6. NFP			
11. BILLABLE CONTRACEPTIVE SUPPLIES			
1. Oral			
2. Creams			
3. Jellies			
4. Suppositories			
5. Foams			
6. Diaphragms			
7. IUD			
8. Basal TBC			
9. Contraceptive Sponges			
10. Condoms			
11. Med/Veg Inf			
12. Med/STD			
13. VC-Film			
14. Cervical Cap			

12. SERVICE PROVIDER/BCRR ENCOUNTERS		Counseling (check one)	
1. Physician		1. Physician	
2. Mid-Level Pract.		2. Nurse	
3. Nurse		4. Ed./Counselor	
4. Ed./Counselor		5. Nutritionist	
5. Nutritionist		6. Social Worker	
6. Social Worker		7. Natural Method	
7. Natural Method		8. Cervical Cap	
8. Cervical Cap		9. Sterilization	
9. Sterilization		10. Condom	
10. Condom		11. Other	
11. Other		12. None	
13. METHOD AT END OF THIS VISIT (check one)		1. Oral	
1. Oral		2. IUD	
2. IUD		3. Diaphragm	
3. Diaphragm		4. Cervical Cap	
4. Cervical Cap		5. Sterilization	
5. Sterilization		6. Condom	
6. Condom		7. Natural Method	
7. Natural Method		8. Other Medical Reasons	
8. Other Medical Reasons		9. Relying On Partner's Method	
9. Relying On Partner's Method		10. Other	
10. Other		11. Sterilization	
11. Sterilization		12. STD	
12. STD		13. Gynecology	
13. Gynecology		14. Other Medical	
14. Other Medical		15. Other F.P. Clinic	
15. Other F.P. Clinic		16. Infertility	
16. Infertility		17. Nutrition	
17. Nutrition		18. Other	
18. Other		19. Contraception	
19. Contraception		20. Other	
20. Other		21. None	
21. None		22. Other	
22. Other		23. None	
23. None		24. Other	
24. Other		25. None	
25. None		26. Other	
26. Other		27. None	
27. None		28. Other	
28. Other		29. None	
29. None		30. Other	
30. Other		31. None	
31. None		32. Other	
32. Other		33. None	
33. None		34. Other	
34. Other		35. None	
35. None		36. Other	
36. Other		37. None	
37. None		38. Other	
38. Other		39. None	
39. None		40. Other	
40. Other		41. None	
41. None		42. Other	
42. Other		43. None	
43. None		44. Other	
44. Other		45. None	
45. None		46. Other	
46. Other		47. None	
47. None		48. Other	
48. Other		49. None	
49. None		50. Other	
50. Other		51. None	
51. None		52. Other	
52. Other		53. None	
53. None		54. Other	
54. Other		55. None	
55. None		56. Other	
56. Other		57. None	
57. None		58. Other	
58. Other		59. None	
59. None		60. Other	
60. Other		61. None	
61. None		62. Other	
62. Other		63. None	
63. None		64. Other	
64. Other		65. None	
65. None		66. Other	
66. Other		67. None	
67. None		68. Other	
68. Other		69. None	
69. None		70. Other	
70. Other		71. None	
71. None		72. Other	
72. Other		73. None	
73. None		74. Other	
74. Other		75. None	
75. None		76. Other	
76. Other		77. None	
77. None		78. Other	
78. Other		79. None	
79. None		80. Other	
80. Other		81. None	
81. None		82. Other	
82. Other		83. None	
83. None		84. Other	
84. Other		85. None	
85. None		86. Other	
86. Other		87. None	
87. None		88. Other	
88. Other		89. None	
89. None		90. Other	
90. Other		91. None	
91. None		92. Other	
92. Other		93. None	
93. None		94. Other	
94. Other		95. None	
95. None		96. Other	
96. Other		97. None	
97. None		98. Other	
98. Other		99. None	
99. None		100. Other	

LOCAL USE SECTION

A B C D

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Determination of Cost Per Procedure

The purpose of this step is to distribute health care costs to particular procedures to derive the unit cost of each procedure. The cost per procedure should be computed for all procedures. The cost per procedure information is useful for managers in establishing charges and for analyzing the benefit of continuing to provide specific services. There may be some cases in which the cost per procedure requires a charge so far above the competitive rate (what other providers in the area would charge for that service) that the charge is prohibitive. This should be a signal to management that steps must be taken to lower costs in the future or consideration should be given to phasing out that service and making alternative arrangements.

In order to determine the cost you must define the specific procedures performed in each cost center and determine how many times or frequency the procedure is performed. We have assigned relative values to procedures on page 14.

Complete expense allocations pages 5 through 13. If you are confident you have allocated your expenses to the proper functional cost center on the BCRR you do not need to do this. You will use your cost center amount from the BCRR, Table 6, column g to determine your fees.

Prepare a Cost of Service/Fee Determination Worksheet for each cost center. See Appendix B, C, D and E.

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1. Column A - List procedure

2. Column B - List Service Utilization/Frequency of Procedure

3. Column C - List Relative Value for Procedure from Page 14

4. Column D - Column B x column C. Total column D

5. Column E - Cost center amount from BCRR Table 6, column g

6. Column F - Total column E divided by total column D. This gives you your average cost/service unit which is listed for each line item.

7. Column G - The dollar amount in column F times each RVS of column C.

This amount represents the cost for each specific service.

8. Column H - The full fee to be charged and should approximate column G.

Fees should be rounded off in \$.25 intervals for simplicity.

Client Examination Direct Expenses

Salaries and Wages (Include only those staff who perform or assist in performing client examinations.)

1. Physicians

1. \$.00

2. Physician Assistants

2. \$.00

3. Nurse Practitioners

3. \$.00

4. Nurse Midwives

4. \$.00

5. Other Nurses

5. \$.00

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTSMedical Support

<u>6. Medical Appointment Secretary</u>	<u>6. \$</u>	<u>.00</u>
<u>7. Portion of Client Records Clerk</u>	<u>7. \$</u>	<u>.00</u>
<u>8. Total Salaries</u>	<u>8. \$</u>	<u>.00</u>

Total on line 8 is equal to BCRR Table 6,
worksheet A, column E, line 1.

Other Client Examination Expenses

<u>9. Contractual Examiners Fees</u>	<u>9. \$</u>	<u>.00</u>
<u>10. Client Examination Equipment Lease or Rental</u>	<u>10. \$</u>	<u>.00</u>
<u>11. Client Examination Equipment Depreciation Expense</u>	<u>11. \$</u>	<u>.00</u>
<u>12. Client Examination Equipment Repair & Maintenance</u>	<u>12. \$</u>	<u>.00</u>
<u>13. Client Examination Supplies Expense</u>	<u>13. \$</u>	<u>.00</u>
<u>14. Client Examination Staff Travel Expense</u>	<u>14. \$</u>	<u>.00</u>
<u>15. Malpractice Insurance</u>	<u>15. \$</u>	<u>.00</u>
<u>16. Other Client Examination Expenses</u>	<u>16. \$</u>	<u>.00</u>
<u>17. Total Other Client Examination Expenses</u>	<u>17. \$</u>	<u>.00</u>

(Sum of lines 9 through 16)

Total on line 17 is equal to BCRR Table 6,
worksheet A, column I, line 1.

Donated Medical Expenses

<u>18. Value of Physician's Donated Time</u>	<u>18. \$</u>	<u>.00</u>
<u>19. Value of Nurse Midwife/N.P.'s Donated Time</u>	<u>19. \$</u>	<u>.00</u>

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<u>20. Value of R.N.'s Donated Time</u>	<u>20. \$</u>	<u>.00</u>
<u>21. Value of LPN's Donated Time</u>	<u>21. \$</u>	<u>.00</u>
<u>22. Value of other Donated Medical Expenses</u>	<u>22. \$</u>	<u>.00</u>
<u>23. Total Donated Services and Materials</u>	<u>23. \$</u>	<u>.00</u>

(Sum of lines 18 through 22)

Total on line 23 is equal to BCRR Table 6,
worksheet A, column j, line 1.

Patient Exam Indirect Costs

<u>24. Medical Fringe Benefits</u>	<u>24. \$</u>	<u>.00</u>
(Worksheet A - column g, line 1)		
<u>25. Medical Facility Costs</u>	<u>25. \$</u>	<u>.00</u>
(Worksheet B - column d, line 1)		
<u>26. Administrative Costs</u>	<u>26. \$</u>	<u>.00</u>
(Worksheet B - column g, line 1)		

To arrive at the total medical costs you will add salary and wages (8), other costs (17) and donated services and materials (23) to the fringe benefits (24), facility costs (25) and administrative costs (26).

<u>27. Total Medical Costs</u>	<u>27. \$</u>	<u>.00</u>
This total equals BCRR Table 6, column g, line 1.		

Laboratory Services Direct Expenses

28. Salaries and Wages (include only those staff who

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perform tests, assist in tests or prepare specimens) 28. \$.00
29. Total 29. \$.00
Total on line 29 is equal to BCRR Table 6,
worksheet A, column E, line 2.

Other Laboratory Expenses

30. Laboratory Equipment Lease or Rental Expense 30. \$.00
31. Laboratory Equipment Depreciation Expense 31. \$.00
32. Laboratory Equipment Maintenance and Repair Expense 32. \$.00
33. Laboratory Supplies Expense 33. \$.00
34. Purchased Laboratory Services Expense 34. \$.00
35. Other Laboratory Expenses 35. \$.00
36. Total Laboratory Services Direct Expenses 36. \$.00
(Sum of lines 30 through 35)
Total on line 36 is equal to BCRR Table 6,
worksheet A, column I, line 2.

Donated Laboratory Expenses

37. Value of Lab Technician's Donated Time 37. \$.00
38. Value of Donated Lab Supplies 38. \$.00
39. Value of Donated Lab Tests 39. \$.00
40. Value of other Donated Lab Expenses 40. \$.00
41. Total Donated Laboratory Services and Materials 41. \$.00
(Sum of lines 37 through 40)

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Total on line 41 is equal to BCRR Table 6,
worksheet A, column j, line 2.

Laboratory Services Indirect Expenses

42. Laboratory Fringe Benefits 42. \$.00
(Worksheet A - column g, line 2)
43. Laboratory Facility Costs 43. \$.00
(Worksheet B - column d, line 2)
44. Laboratory Administration Costs 44. \$.00
(Worksheet B - column g, line 2)
To arrive at the total laboratory expenses you will add salary and wages (29),
other costs (36) and donated services and materials (41) to the fringe
benefits (42), facility costs (43) and administrative costs (44).
45. Total Laboratory Costs 45. \$.00
This total equals BCRR Table 6, column g, line 2.

Provision of Contraceptive Drugs/Supplies Cost AreaSupplies Consumed During Reporting Period:

Type of Supply	Your Cost/Unit x *Number Used =	Total Expense
46. <u>Oral Contraceptives</u>	x	46. \$.00
47. <u>Cream</u>	x	47. \$.00
48. <u>Jelly</u>	x	48. \$.00

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49. Suppository (each)	<u>x</u>	49. \$.00
50. Foam	<u>x</u>	50. \$.00
51. Diaphragm	<u>x</u>	51. \$.00
52. IUD	<u>x</u>	52. \$.00
53. Basal T & C	<u>x</u>	53. \$.00
54. Sponges (each)	<u>x</u>	54. \$	.00
55. Condoms (each)	<u>x</u>	55. \$	.00
56. Meds/Vag. Inf.	<u>x</u>	56. \$	.00
57. Meds/STD Rx	<u>x</u>	57. \$	.00
58. Contraceptive Film	<u>x</u>	58. \$	.00
59. Total (Sum of lines 46 through 58)		59. \$	.00

*The number used for each type of supply will come from your inventory sheets.

Provision of Contraceptive Drugs/Supplies Direct Expenses

60. Salaries and Wages for Staff Who Dispense or Assist in Providing Contraceptive Drugs and Supplies	60. \$	.00
61. Total	61. \$	.00
Total on line 61 is equal to BCRR Table 6,		
worksheet A, column E, line 4.		

Other Pharmacy Expenses

62. Provision of Drugs and Supplies Equipment

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Lease or Rental Expense	62. \$.00
63. Provision of Drugs and Supplies Depreciation Expense	63. \$.00
64. Provision of Drugs and Supplies Equipment Maintenance and Repair Expense	64. \$	.00
65. Dispensing Supplies Expense	65. \$	.00
66. Other Pharmacy Expenses	66. \$	.00
67. Total (Sums of lines 62 through 66)	67. \$	.00
68. Total All Pharmacy Expenses (Sum of lines 59 and 67)	68. \$	.00
Total on line 68 is equal to BCRR Table 6, worksheet A, column I, line 4.		

Donated Pharmacy Expenses

69. Value of Pharmacists' Donated Time	69. \$	.00
70. Value of Donated Pharmacy Supplies	70. \$	.00
71. Value of Donated Contraceptive Supplies	71. \$	.00
72. Value of Other Donated Pharmacy Expenses	72. \$	.00
73. Total Donated Pharmacy Services and Materials (Sum of lines 69 through 72)	73. \$	.00
Total on line 73 is equal to BCRR Table 6, worksheet A, column j, line 4.		

Pharmacy Services Indirect Expenses

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74. Pharmacy Fringe Benefits	74. \$.00
(Worksheet A - column g, line 4)		
75. Pharmacy Facility Costs	75. \$.00
(Worksheet B - column d, line 4)		
76. Pharmacy Administration Costs	76. \$	.00
(Worksheet B - column g, line 4)		

To arrive at the total Pharmacy costs you will add salary and wages (61), other costs (68) and donated services and materials (73) to fringe benefits (74), facility costs (75) and administrative costs (76).

77. Total Pharmacy Costs	77. \$	.00
This total equals BCRR Table 6, column g, line 4.		

Family Planning Counseling and Educational Direct Expenses

Counseling:

78. Indepth/1 hour	78. \$	.00
79. 15 min. to 1 hour	79. \$	.00

Family Planning Counseling and Educational Services Direct Expenses

80. Salaries and Wages, Family Planning Counselors, Educators and Assistants	80. \$.00
81. Portion of Client Records Clerk	81. \$.00
82. Total	82. \$.00

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Total on line 82 is equal to BCRR Table 6, worksheet A, column E, line 7.

Other Counseling and Education Expenses

83. Counseling and Educational Services	83. \$	.00
Staff Travel Expense		
84. Counseling and Educational Services		
Equipment Rental		
85. Counseling Expense or Lease Expense and Educational Services Equipment Depreciation	85. \$	.00
86. Counseling and Educational Services Equipment Repair and Maintenance Expense	86. \$	.00
87. Counseling and Educational Supplies Expense	87. \$	.00
88. Other Counseling and Educational Expense	88. \$	.00
89. Total Family Planning Counseling and Educational Services Direct Expenses	89. \$	.00

Total on line 89 is equal to BCRR Table 6, worksheet A, column I, line 7.

Donated Education and Counseling Expenses

90. Value of Counselors Donated Time	90. \$	.00
91. Value of Other Donated Counseling and Educational Services Expense		
92. Total Donated Counseling and Educational	91. \$.00

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Services Expenses

92. \$.00

(Sum of lines 90 and 91)

Total on line 92 is equal to BCRR Table 6,

worksheet A, column j, line 7.

Counseling and Educational Indirect Expenses

93. Counseling and Education Fringe Benefits 93. \$.00

(Worksheet A - column g, line 7)

94. Counseling and Education Facility Costs 94. \$.00

(Worksheet B - column d, line 7)

95. Counseling and Education Administration Costs 95. \$.00

(Worksheet B - column g, line 7)

To arrive at the total Counseling and Education costs you will add salary and

wages (82), other costs (89) and Donated Counseling and Educational Services

(92) to fringe benefits (93), facility costs (94) and administrative costs

(95).

96. Total Counseling and Education Costs 96. \$.00

This total equals BCRR Table 6, column g,

line 7.

Family Planning Client Visit Relative ValuesService

RVS

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Medical Services Visits

Minimal Service 5.00
 Brief/Intermediate Exam 18.00
 Extended Exam 30.00
 Insertion of IUD 30.00
 Diaphragm Fit 15.00
 Sonography/Lost IUD 30.00
 X-ray/Lost IUD 24.00

Lab Procedures

Hematocrit/Hemoglobin 3.00
 U/A Dip Stick 4.00
 Pregnancy Test 10.00
 VDRL 6.00
 Pap Smear 8.00
 Gonorrhea Culture 6.00
 Bacterial Smear/Met Mount 5.00
 Sickie Cell 5.00
 P.P. Blood Glucose 6.00
 Triglycerides 6.00
 SGA 12 16.00
 Colposcopy 30.00
 Colposcopy with Biopsy 40.00
 Chlamydia 7.00

Contraceptive Drugs/Supplies

Orals 1.20
 Creams 2.65
 Jellies 2.65
 Suppositories (each) .15
 Foams 3.00
 Diaphragm 4.00
 Basal T & C 10.00
 IUD 50.00
 Sponges (each) 1.50
 Condoms (each) .22
 Meds/Vag. Inf. 5.00
 Meds/STD 5.00
 Contraceptive Film 2.00

Education and Counseling

Indepth/1 hour 30.00
 15 min. to 1 Hour 5.50

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTSDevelopment of a Sliding Fee Scale

Federal regulations require that we provide family planning services on a sliding fee scale to allow persons to receive services regardless of their income level and subsequent ability to pay. Client or family income level is the determining factor for what level or percentage of the full fee a client will be charged.

A fee system must be developed and re-evaluated annually after completing a cost analysis. The sliding fee scale will be based on the most current Federal Poverty Income Guidelines (See Appendix F). All clients must update their financial status every 12 months.

A sliding fee scale must be simple to be useful. Any fee scale which is over burdensome to the cashier or person computing the fee loses its value as the time required to compute the fee increases. Fees must be reasonable, related to cost and not provide a barrier to care. In selecting the client fee discount categories, it is important to remember that too few categories may either classify many clients at the lower end, reducing income, or at the upper end, discouraging clients to seek care because of the cost, thereby also reducing income. Too many categories may be difficult to implement and administer. Appendix G is a form to use for six steps.

Calculating a Sliding Fee Scale

1. Determine the number of payment categories.

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Example: The illustrated sliding fee scale Appendix G contains 6 categories 0-100%.

2. The income levels for the zero pay category will be the poverty levels published annually in the Federal Register.

Example: The poverty level for a one person family is \$770; for a two person family the poverty level is \$730, etc.

3. The income levels for the full fee will be 250% of the poverty level plus \$1.00.

Example: For Family Size of 1, 100% pay = $570 \times 2.5 = \$14,425$ + \$1 or \$14,426.

4. To determine the income levels between these limits the following formula would be used:

Income Level above which Full Fee is charged, minus Poverty Level divided by the number of Steps remaining on the Scale - 4

The result of this computation is the dollar range for each step.

Example: Family Size 1 - \$14,425 (full fee 250%) minus \$570 (0%) = $\$8655 \text{ divided by } 4 \text{ (6 steps - 2 steps)} = \$2163.75 \text{ step interval.}$

5. The lower limit of each step is \$1 more than the upper limit of the preceding step.

Example: Family Size 1, upper limit of 0% pay is \$570, lower limit of the next category (20%) is \$571.

6. The upper limit for each step is computed by adding the dollar interval computed in Step 4 to the upper limit of the preceding step.

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Example: Family Size 1 - upper limit of 0% pay is \$5770; upper limit of the next category is $\$5770 + 2164$ or $\$7934$.

Appendix A

Examples of Administrative Costs

1. Project Director
2. Administrative Secretary and Receptionist
3. Bookkeeper
4. Administrative supplies
5. Administrative staff travel and per diem
6. Vehicle rental or lease expense
7. Auditing and accounting
8. Legal fees
9. Consultants expense
10. Fees and subscriptions
11. Advertising
12. Postage
13. Printing
14. Purchased staff training
15. Fidelity bonding
16. Photo copy
17. Equipment depreciation

Examples of Facility Costs

1. Custodian or Janitorial Contractual Services
2. Building rental
3. Building depreciation
4. Building and contents insurance
5. Building maintenance and repair
6. Security
7. Utilities
8. Telephone
9. Janitorial supplies

(Source: Added at 13 Ill. Reg. , effective)

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<u>COST OF SERVICE/FEE DETERMINATION WORKSHEET</u>							<u>MEDICAL COST CENTER</u>
(A) <u>SERVICE/PROCEDURE</u>	(B) <u>SERVICE UTILIZATION (FREQUENCY)</u>	(C) <u>RYS VALUE</u>	(D) <u>TOTAL SERVICE UNITS</u>	(E) <u>TOTAL COST/ COST/CENTER</u>	(F) <u>AVERAGE COST/SERVICE UNIT</u>	(G) <u>COST/ SERVICE</u>	(H) <u>FEE</u>
<u>Minimal Service</u>	/	5.00	/	/	/	/	/
<u>Brief/Immediate Exam</u>	/	18.00	/	/	/	/	/
<u>Extended Exam</u>	/	30.00	/	/	/	/	/
<u>IUD Insertion</u>	/	30.00	/	/	/	/	/
<u>Dilatage Fit</u>	/	15.00	/	/	/	/	/
<u>Sonogram/Iost IUD</u>	/	30.00	/	/	/	/	/
<u>X-ray/Iost IUD</u>	/	20.00	/	/	/	/	/
/	/	/	/	/	/	/	/
/	/	/	/	/	/	/	/
/	/	/	/	/	/	/	/
/	/	/	/	/	/	/	/
/	/	/	/	/	/	/	/
/	/	/	/	/	/	/	/
<u>TOTAL</u>	/	/	/	/	/	/	/

NOTES: 1. B x C = D
2. F x COLUMN D = E
3. E + COLUMN G = Line J of BQSR Table 6
4. F + COLUMN E = COLUMN U TOTAL
5. G + COST P x C
6. H = Fee

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COST OF SERVICE/FEE DETERMINATION WORKSHEET

(A) SERVICE/PROCEDURE	(B) SERVICE UTILIZATION (FREQUENCY)	(C) RVS VALUE	(D) TOTAL SERVICE UNITS	(E) TOTAL COST/ CENTER	(F) AVERAGE COST/SERVICE UNIT	(G) COST/ SERVICE	(H) FEE
VD/ACT		5.00		////////			
Urinalysis		4.00		////////			
Pregnancy Test		10.00		////////			
VDRL		6.00		////////			
Pap Smear		8.00		////////			
Gonorrhea Culture		6.00		////////			
Bacterial Smear/Net Mount		5.00		////////			
Sickle Cell		5.00		////////			
P.P. Blood Glucose		6.00		////////			
Triglycerides		6.00		////////			
9HA - 12		16.00		////////			
Colposcopy		30.00		////////			
Colposcopy and Biopsy		40.00		////////			
Chlamydia		7.00		////////			
TOTAL		////////		////////			

NOTES: 1. $B \times C = D$
 2. Total Column D
 3. $E = \text{Column G} \div \text{Line 2 of BOPR Table 6}$
 4. $F = \text{Column E} \div \text{Column D Total}$
 5. $G = \text{Cost } F \times C$
 6. $H = \text{Fee}$

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APPENDIX C:

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COST OF SERVICE/FEE DETERMINATION WORKSHEET

(A) SERVICE/PROCEDURE	(B) SERVICE UTILIZATION (FREQUENCY)	(C) RVS VALUE	(D) TOTAL SERVICE UNITS	(E) TOTAL COST/ CENTER	(F) AVERAGE COST/SERVICE UNIT	(G) COST/ SERVICE	(H) FEE
Orals		1.20		////////			
Creams		2.65		////////			
Gellets		2.65		////////			
Suppositories (each)		0.15		////////			
Foams		3.00		////////			
OLachrasms		4.00		////////			
ILLOS		50.00		////////			
Barrel T & C		10.00		////////			
Sponges (each)		1.50		////////			
Condoms (each)		0.22		////////			
Medi/Vac Inf		5.00		////////			
Medi/STD		5.00		////////			
Contraceptive Film		2.00		////////			
TOTAL		////////		////////			

NOTES: 1. $B \times C = D$
 2. Total Column D
 3. $E = \text{Column G} \div \text{Line 2 of BOPR Table 6}$
 4. $F = \text{Column E} \div \text{Column U Total}$
 5. $G = \text{Cost } F \times C$
 6. $H = \text{Fee}$

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APPENDIX D

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APPENDIX G

SERVICE/PROCEDURES (a)	COST/ SERVICES (c)	FEE (h)	20%	40%	60%	80%	100%
Minimal Service							
Brief/Immediate Exam							
Extended Exam							
IUD Insertion							
Diaphragm Fit							
Spermocidal/IUD							
X-ray/IUD							
Hct/Hgb							
Urinalysis							
Pregnancy Test							
VDRL							
Pap Smear							
Gonorrhea Culture							
Bacterial Smear/Hct Mount							
Sickle Cell							
PP Blood Glucose							
Triglycerides							
SW-12							
Colposcopy							
Cervarix and Biopsy							
Chlamydia							
Orals							
Creams							
Jellies							
Suppositories (each)							
Foams							
Diaphragms							
IUDs							
Barrier I & C							
Sponges (each)							
Condoms (each)							
Peds/Vag Inf							
Heds/STD							
Contraceptive Film							
Indepth 1 Hour							
Counseling/15 Min to 1 Hr							

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Appendix C Family Planning Services Application Packet

Checklist for Completing the FY90
Family Planning Services Application

Check () the following items for completeness before submitting your application for processing. Each must be addressed, filled in or attached as indicated. CHECKLIST MUST BE SUBMITTED WITH APPLICATION.

Cover Sheet Appendix A

Complete Sections 2 Applicant Organization

3 Applicant Certification

4 Type of Organization

5 Grant Support Requested

6 Type of Application

7 Legislative District

8 Date of Submission

Page 2 Health Care Plan

#10 complete narrative

Page 3

#11 define target area

#12 list clinic(s) names(s) and days/hours of operation

Page 4

#13 complete budget in accordance with the attached budget and expenditures category definitions

Page 5

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Page 2
Checklist - FY90

#14 complete cost analysis by IDPH methodology

Between Page 5 & 6 attach schedule of discounts
and sliding fee scale with charges based upon
1989 Poverty Guidelines.

Page 6

#15 complete three (3) objectives

Complete attached Plans to Achieve
Objective/Program Progress Report
Forms three (3)

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APPENDIX A

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
535 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT

PROGRAM TITLE: Family Planning Services

BRIEF SUMMARY: To provide comprehensive family planning services pursuant to the application and
assurances submitted by the grantee. Such services will be delivered in accordance with theDepartment's applicable rules entitled Title 77: Public Health, Chapter 11: Department of Public
Health, Sub Chapter: Maternal and Child Health Part 625 Program Content and Guidelines for Title X
Family Planning Services

APPLICANT ORGANIZATION:

NAME: _____

ADDRESS: _____

TELEPHONE: (____) _____

FED. NUMBER: _____

PROJECT DIRECTOR: _____

FINANCE OFFICER: _____

APPLICANT CERTIFICATION:

To the best of my knowledge, the data and
statements in this application are true and
correct. The applicant agrees to comply with
all State/Federal statutes and Rules/Regulations
applicable to the program.

AUTHORIZED OFFICIAL:

Date Signature

4. TYPE OF ORGANIZATION:

☐ LOCAL HEALTH DEPARTMENT
☐ PRIVATE NON-PROFIT AGENCY
☐ OTHER _____

5. GRANT SUPPORT REQUESTED:

BEGINNING _____ ENDING _____ AMOUNT _____

6. TYPE OF APPLICATION:

☐ INITIAL ☐ CONTINUATION ☐ REVISION

7. LEGISLATIVE DISTRICT:

CONGRESSIONAL _____

LEGISLATIVE
(State Senate)
REPRESENTATIVE
(State Representative)

8. DATE OF SUBMISSION:

Month _____ Date _____ Year _____

9. IMPORTANT NOTICE:

This state agency is requesting disclosure
of information that is necessary to accomplish
the statutory purpose as outlined under Illinois
Revised Statutes, Ch. 127, Par. 137 et. seq.
Failure to provide this information may prevent
this form from being processed. This form has
been approved by the Forms Management Center.

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Agency Name

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT (cont'd.) DATE FROM: THROUGH

10. HEALTH CARE PLANS

INSTRUCTIONS: Complete a narrative summarizing the major features of the project including: 1. statement of need, 2. characteristics of the target area including other family planning resources, 3. methods used to conduct program and 4. measure its success.

12. CLINIC(S) SCHEDULE(S)

INSTRUCTIONS: List all clinics by name, address and days/hours of operation.

Clinic(s) Names(s)/Address(es)

Days/Hours of Operation

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NOTICE OF PROPOSED AMENDMENTS

Agency Name: _____ DATE FROM: _____ THROUGH: _____

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT - (Continued)

INSTRUCTIONS: All funds must be identified and assigned to categories in accordance with the budget and expenditures categories definitions.

CATEGORY	Family Planning BUDGET	TITLE XIX BUDGET	Patient Care BUDGET	Other Funds BUDGET	TOTAL BUDGET
1. Personnel Services					
2. Contractual Services					
3. Supplies					
4. Travel					
5. Patient Care					
6. Equipment					
7. Total					

*Details must be provided below. Use additional sheets if necessary.

Illinois Department of Public Health
Division of Family Health
Budget Category Definitions

Personal Services

"The item 'personal services', means the reward or recompense made for personal services rendered by an employee of the delegate agency in support of this project, or any amount required or authorized to be deducted from the salary of any such person or any retirement or tax law, or both, or deductions from the salary of any such person under the Social Security Enabling Act, or deductions from the salary of such person. Any employee is anyone who receives the fringe benefits offered by the delegate agency."

Contractual Services

"The item 'contractual services', means and includes: (a) Expenditures, incident to the current conduct and operation of an office, department, or agency in direct support of this project for postage and postal charges, telephone expenses, printing, office conveniences and services, exclusive of supplies as herein defined; (b) Expenditures of \$5,000 or less for repair or maintenance of property or equipment, utility services, professional or technical services; (c) Expenditures pursuant to multi-year lease, lease-purchase or installment purchase contracts for duplicating equipment authorized by the contract."

Travel

"The item 'travel', shall include any expenditure directly incident to official travel by employees of the project, involving reimbursement to travelers or direct payment to private agencies providing transportation or related services."

Supplies

"The item 'supplies' means and includes expenditures in connection with current operation and maintenance for the purchase of articles of a consumable nature which show a material change or appreciable depreciation with first usage, repair parts, and including tools and equipment having a unit value not in any instance exceeding \$50, but does not include any expenditure for library books or expenditure included in 'permanent improvements'."

Equipment

(purchase exceeding \$100)

"The item 'equipment', shall mean and include all expenditures for library books, and expenditures, having a unit value exceeding \$100, for the

DEPARTMENT OF PUBLIC HEALTH

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acquisition, replacement or increase of visible tangible personal property of a non-consumable nature."

Patient Care

"The item 'patient care' means services necessary for the care of patients that the delegate can not provide other than by an outside vendor. This includes medical and social service contracts."

IDPH (1987)

Illinois Department of Public Health
Division of Family Health
Expenditures per Category

Listed below are examples of the most common charges shown under their appropriate category. If you have any other type of expense, please do not hesitate to call for assistance in placing it in the correct category.

I. Personal Services

1. Fringe benefits
2. Salaries

II. Contractual Services

1. Advertising costs
2. Building and ground maintenance
3. Conference and registration fees
4. Contractual employees
5. Copy machine rental
6. Insurance (building, fire, theft and malpractice)
7. Legal services and accounting fees
8. Postage (including stamps)
9. Printing
10. Rent or lease of space of property
11. Repair and maintenance of furniture and equipment
12. Statistical and tabulation services (data processing)
13. Subscriptions
14. Telephone
15. Utility costs

III. Supplies

1. Contraceptives
2. Educational and instructional materials

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3. Medical supplies
4. Office supplies
5. Pamphlets

IV Travel

1. Lodging expenses
2. Per diem
3. Travel expense (mileage, train, or air fare)

V Patient Care

1. Lab Work
2. Nurse practitioner for patient care (contracted out)
3. Physicians for patient care (contracted out)

VI Equipment

1. All equipment that is purchased

IDPH (1987)

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APPLICANT AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT (Continued) Agency Name: _____ DATE FROM: _____ THROUGH: _____

3. COST ANALYSIS AND FEES
INSTRUCTIONS: Complete the cost analysis following the cost analysis manual instructions. Attach a copy of your agency's Schedule of Discounts and Sliding Fee Schedule with charges based upon the 1989 federal poverty guidelines.

(a) Service/Procedure	(b) Serv. Util.	(c) RVS	(d) Total Serv. Units	(e) Total Cost/Est. Ctr.	(f) Avg. Cost/Sec. Unit	(g) Unit Price/Sec. Fee	(h) Fee
Medical Cost Center							
Initial	5.00			//////////			
Short/Intermediate	18.00			//////////			
Extended	30.00			//////////			
X-ray Insertion	30.00			//////////			
Fluorogram Film	35.00			//////////			
Fluorogram	30.00			//////////			
X-ray/last 100	24.00			//////////			
TOTAL	//////////	//////////		//////////			//////////
Laboratory Cost Ctr.							
SUBJECT	3.00			//////////			
H/A	4.00			//////////			
Pregnancy Test	10.00			//////////			
H/R/L	6.00			//////////			
Pap Smear	8.00			//////////			
Gonorrhea	6.00			//////////			
Bact. Sm./Wet Mount	5.00			//////////			
Sickle Cell	5.00			//////////			
PP Blood Gluc.	6.00			//////////			
Triglyceride	6.00			//////////			
Hgb/Hct	16.00			//////////			
Hemoglobin	30.00			//////////			
Calc./Bldg	40.00			//////////			
Chlamydia Test	2.00			//////////			
TOTAL	//////////	//////////		//////////			//////////
Pharmacy Cost Ctr.							
Totals	1.20			//////////			
Cereals	2.65			//////////			
Antibiotics	2.65			//////////			
Surgicel	15			//////////			
Fams	3.00			//////////			
Diaphragms	4.00			//////////			
IUD's	50.00			//////////			
Basil TAC	10.00			//////////			
Sponges	1.50			//////////			
Condoms	.22			//////////			
Herd/Vap Inf.	5.00			//////////			
Herd/STD	5.00			//////////			
Contracep. Film	2.00			//////////			
TOTAL	//////////	//////////		//////////			//////////
Ed. Groups Cost Ctr.							
Ed. Length	30.00			//////////			
Couns. Attn/mo.-1hr.	5.50			//////////			
TOTAL	//////////	//////////		//////////			//////////

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DEPARTMENT OF PUBLIC HEALTH

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Agency Name _____

APPLICATION AND PLAN FOR PUBLIC HEALTH PROGRAM GRANT (cont'd.) DATE FROM: _____ THROUGH _____

15. OBJECTIVES:

INSTRUCTIONS: Complete the objectives below by inserting the numbers that are appropriate for your agency. Agencies must complete objectives #1 and #2 by inserting the numbers that are appropriate for their agency. #3 must be an individual agency objective. Also complete the attached Plans to Achieve Objectives/Program Progress Report forms using these numbers and listing the tasks necessary to meet the objectives.

1. Provide family planning services to _____ # _____ unduplicated users in need of subsidized family planning services during State Fiscal Year 1990. At least 85% of users will be in the group with income equal to or less than 150% of poverty; _____ % of all users will be teenagers.

2. Provide _____ # _____ information and education programs for an estimated _____ # _____ individuals in communities served during State Fiscal Year 19_____.

*3. Individual Agency Objective _____

USE ADDITIONAL SHEETS IF NECESSARY

-6-

3/89

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

PLANS TO ACHIEVE OBJECTIVES
PROGRAM PROGRESS REPORT

FAMILY PLANNING SERVICES

Agency _____

Project Period July 1, 1989 - June 30, 1990

Objective #1. Provide family planning services to _____ # _____ unduplicated users in need of subsidized family planning services during State Fiscal Year 1990. At least 85% of users will be in the group with income equal to or less than 150% of poverty; _____ % of all users will be teenagers.

SCHEDULE

STATUS OF AGENCY
UNDULATED USERS
TEENAGERS

Status of Task

Tasks to Meet Objective

2/27/93

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Appendix A
Page 2

Illinois Department of Public Health

Illinois Family Planning Rate Schedule

Service	Rate	Service	Rate
<u>Billable Medical Services</u>			
Minimal Service Exam	5.50	Contraceptive Drugs & Supplies	
Brief/Intermediate Exam	12.65	Oral Contraceptives	1.50
Extended Exam	26.65	Creams	2.00
(Includes \$3.50 for provision		Jellies	1.30
of basic AIDS education)		Suppositories	.25
Intrauterine Device Insertion	35.30	Foams	2.00
Diaphragm Fit	23.15	Diaphragms	4.50
		Intrauterine Device	84.00
		Basal Thermometer & Charts	15.00
		Sponges	.50
		Condoms	.15
		Vag/STD Rx	5.00
		Contraceptive Films	2.00
<u>Laboratory Procedures</u>			
Hematocrit	3.30	Sterilization	
Hemoglobin	3.30	Pre-Counseling	30.00
Urinalysis/Dipstick	3.30	Pathology for Tissue	
Pregnancy Test	8.90	Female Sterilization	
Papanicolaou Smear	8.65	(Reimbursement only with prior	
Wet Mount/Gram Stain	4.40	approval from IDPH)	
Miscellaneous Culture	5.75	Male Sterilization	
Sickle Cell Screening	5.75	(Reimbursement only with prior	
Post-prandial Blood Glucose	5.75	approval from IDPH)	
Triglycerides Fasting Level	6.80		
SMA-12 Fasting Level	16.45		
Colposcopy	29.75		
Colposcopy with Biopsy	39.90		
Cervical Test	6.50		
<u>Complications</u>			
X-rays/Lost IUD	36.40	Billable Counseling	
Sonography	60.65	Indepth/1 Hr.	30.00
		Education/Counseling	5.50
		(15min.-1hr.)	

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Poverty Level

0 - 150%
151 - 200%
201 - 250%
251 - above
Medicaid

Reimbursement

Full rate + 15%
One-half rate + 15%
15% only based on one-half rate
No IDPH reimbursement
15% of full rate

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Revised 3/789

Illinois Department of Public Health
Family Planning Service Definitions

Billable Medical Services

Reimbursement will be provided for the services and procedures in this section when prescribed, furnished, directed or supervised by a physician. These services are exclusive of laboratory procedures; treatment of complications; billable counseling; and provision of contraceptive drugs, supplies and devices.

1. Family Planning Minimal (Service) Examination - Examination accompanying routine medical revisits to an established client. May include IUD check, diaphragm placement check, visualization of vagina and cervix, possible palpation, weight and blood pressure.
2. Family Planning Brief/Intermediate Examination - Usual examination accompanying problem medical revisits which require a physical examination. Services vary and may include pregnancy diagnosis, vaginal infection, PID, possible IUD complications, follow up on a breast lump or suspicious PAP.
3. Family Planning Extended Examinations - Family planning examinations usually accompanying an initial and annual visit. Examination includes a complete physical including recto-vaginal examination, breast examination, weight and blood pressure.
4. Insertion of IUD - Placement into the uterus (by either the push or withdrawal technique) of an FDA approved contraceptive device following the sounding of the uterus.
5. Diaphragm Fitting - Selection of appropriate size diaphragm based on

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depth of the vagina and perineal muscle tone.

Laboratory Procedures - The following routine and special laboratory services are reimbursable in connection with the physical examination and evaluation or if needed as a result of positive history or if deemed medically necessary at the time of examination by the attending physician or medical director in charge.

1. Hematocrit/Hemoglobin
2. Urinalysis/Dipstick
3. Pregnancy Test
4. Papanicolaou Smear
5. Wet Mount/Gram Stain - (e.g., Trichomoniasis, Candidiasis, Gardnerella)

6. Miscellaneous Culture - (e.g. Herpes, Urine)

7. Sickle Cell Screening

8. Post-Prandial Blood Glucose

9. Triglycerides Fasting Level Confirmation Test

10. SMA-12

11. Colposcopy - Examination of vagina and cervix by means of the colposcope.

12. Colposcopy with Biopsy - Examination of vagina and cervix by means of the colposcope with removal and examination of tissue.

13. Chlamydia Test - Direct smear FA and enzyme immunoassay (ELISA)

Complications - Occasionally, complications may develop. Such services related to complications will be limited to the following.

1. Sonography/Lost IUD - A record or display obtained by ultrasonic scanning for purpose of locating IUD.
2. X-Ray & Interpretation - Up to two x-rays for the purpose of determining location of IUD.

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Billable Counseling

1. Indepth/1 Hr. Counseling - Counseling designed to assist the individual client in understanding and successfully dealing with an identified problem. Such counseling may be related to the emotional aspects of a medical problem or may involve health education. This service should be completed by professional staff such as the public health nurse, health educator or social worker. Such counseling may require only one session or may involve multiple sessions to insure that the client has developed sufficient insight to deal with the related issues. This is not to be understood as a patient education session associated with a medical visit. The time expectation for delivery of this service is approximately 1 hour.

2. Education/Counseling (15 minute to 1 hour) - Education or counseling services related to the effective utilization of a family planning method and documented in the patient file. Time expectation for delivery of this service is approximately 15 minutes.

Contraceptive Supplies and Drugs - Reimbursement will be made for the following:

1. Oral Contraceptives
2. Creams
3. Jellies
4. Suppositories
5. Foams
6. Diaphragms
7. IUDs
8. Basal Thermometer & Charts
9. Sponges
10. Condoms
11. Vag/STD Rx
12. Contraceptive Film

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Sterilization - The following will be provided under the family planning program if sterilization is medically indicated and IDPH gives prior approval.

1. Pre-Counseling
2. Female Sterilization
3. Male Sterilization
4. Anesthesia
5. Patnology

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED REPEALER

1) Heading of the Part:

Certificate of Need for Health Maintenance Organizations

2) Code Citation:

77 Ill. Adm. Code 1150

3) Section Numbers:

1150.110
1150.210
1150.220
1150.230
1150.310
1150.320
1150.330
1150.410
1150.420
1150.430
1150.440
1150.450

Proposed Action:

Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal

4) Statutory Authority:

Illinois Health Facilities Planning Act

Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1151 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The regulations established in Part 1150 focus on what types of projects proposed by HMO's are exempt from review. These rules were designed to comply with federal requirements under P.L. 93-641 "The National Health Planning and Resources Development Act." These rules are proposed for repeal for the following reasons:

- 1) P.L. 93-641 was repealed in December 1987 so no federal requirements on review now exist.
- 2) Under current Board rules HMO's are classified as facilities and are more appropriately reviewed under Part 1110.
- 3) The basis for the required exemptions no longer exists as only federal law not the state law required HMO's to be reviewed in this fashion.
- 4) The regulations in the Part duplicate other existing rules thus

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creating confusion as to what standards are applicable.

- 5) Proposed changes to Part 1110 would provide needed coverage in a more unified format.

There is no economic effect anticipated through this rulemaking. The Department anticipates that this rulemaking will become effective six to nine months from the date of publication as proposed in the Illinois Register.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

- 7) Does this Rulemaking contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

- 8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

- 9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

- 10) Statement of Statewide Policy Objectives:

Please specify:

To develop a Certificate of Need program which effectively controls costs through the review of capital and service development projects. The repeal of H110 regulations will have no impact on local government.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor,

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

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Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

A public hearing on the proposed regulations will be held on Thursday, May 18, 1989 at 1:30 p.m. in the Office of Health Policy and Planning, 525 West Jefferson, Second Floor, Springfield, Illinois 62761.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

- B) Type of Small Businesses Affected:

None

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

- D) Types of Professional Skills Necessary for Compliance:

None

The full text of the Rules to be Repealed begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES
PART 1150

CERTIFICATE OF NEED FOR HEALTH MAINTENANCE ORGANIZATIONS

SUBPART A: INTRODUCTION

Section
1150.110 Introduction

SUBPART B: AUTHORITY

Section
1150.210 Statutory Authority
1150.220 Public Hearings and Effective Date
1150.230 Purpose

SUBPART C: DEFINITIONS

Section
1150.310 Introduction
1150.320 General Definitions
1150.330 Health Maintenance Organization Definitions

SUBPART D: APPLICABILITY AND PROCEDURES

Section
1150.410 Applicability
1150.420 Classification of Projects
1150.430 Processing
1150.440 Application
1150.450 Exemptions

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (111. Rev. Stat. 1987, ch. 111 1/2, pars. 1151 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 4, p. 190, effective January 11, 1980; emergency rules (Second Edition) adopted at 6 Ill. Reg. 6898, effective May 20, 1982, for a maximum of 150 days; adopted at 6 Ill. Reg. 10978, effective August 30, 1982; peremptory amendment at 6 Ill. Reg. 11937, effective October 1, 1982; codified at 8 Ill. Reg. 14280; repealed at 13 Ill. Reg., effective

SUBPART A: INTRODUCTION

Section 1150.110 Introduction

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

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The Health Facilities Planning Board in conjunction with the Department of Public Health has adopted this Part to implement HMO coverage in accordance with the Illinois Health Facilities Planning Act, (111. Rev. Stat. 1981, ch. 111 1/2, par. 1151 et seq.) and the National Health Planning and Resources Development Act (42 U.S.C. 300 k-1--300n-1) (Sections 1501-1532 of the Public Health Services Act, 93 Stat. 592-630). It is important to note that the method of payment (prepaid or fee for service) is not relevant in determining whether an activity is subject to review.

SUBPART B: AUTHORITY

Section 1150.210 Statutory Authority

This State Plan for Health Maintenance Organizations (HMO's) in Illinois is prepared and promulgated by authority granted to the Illinois Department of Public Health (Agency) and the Illinois Health Facilities Planning Board (State Board) under Section 12 of (The Act) the Illinois Health Facilities Planning Act. (111. Rev. Stat. 1981, ch. 111 1/2; pars. 1151 et seq.).

Section 1150.220 Public Hearings and Effective Date

Public Hearings on this Part were held in accordance with the provisions of Section 12 of the Act. The Executive Secretary maintains a record of the Public Hearings on this Edition and of any Rule revisions. Copies of the Public Hearing records are available for inspection at the Official Headquarters of the State Board at 525 West Jefferson Street, Springfield, Illinois 62561.

Section 1150.230 Purpose

This State Plan is developed in order to implement particular provisions and purposes of the Illinois Health Facilities Planning Act and is specifically designed to develop a procedure:

- a) which establishes an orderly and comprehensive health care delivery system which will guarantee the availability of quality health care to the general public;
- b) which considers the projected impact on health care costs by evaluating financial and economic feasibility of proposed projects;
- c) which requires a person proposing to establish, construct, or modify a health care facility or require major medical equipment subject to this Part to have the qualifications, background, character and financial resources to adequately provide a proper service for the community;
- d) which promotes through the process of comprehensive health

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

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planning the orderly and economic development of health care facilities in the State of Illinois to avoid unnecessary duplication of facilities or services; and

- e) which provides criteria for reviewing proposed projects and which details projects to which this Part applies.

SUBPART C: DEFINITIONS

Section 1150.310 Introduction

The definitions related to the Part are listed in this subpart. Where there is disagreement on the applicability of these definitions, the Executive Secretary shall decide the matter. The decision may be appealed to the Chairman of the State Board.

Section 1150.320 General Definitions

"Act" means the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1151 et seq.)

"Areawide Health Planning Organization" means a federally approved health systems agency or successor agency recognized by the State Board.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in the Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditure minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital Expenditure Minimum" means that dollar amount established by the State Board in accordance with the provisions of 2 Ill. Adm. Code 1925.280(a)(15)(A), Rules of Organization of the

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

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Illinois Health Facilities Planning Board. Separate dollar amounts are established for major medical equipment and all other expenditures, both of which are annually adjusted to reflect the increase in construction costs due to inflation.

"Chairman" means the duly elected presiding officer of the State Board.

"Construction or Modification" means, the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum (as defined above). Site acquisition is not included in the cost of "construction or modification".

"Discontinuation" means to cease operation of an entire health care facility or to cease operation of a category of service. Partial or phased closure shall be deemed "discontinuation". If the partial discontinuation does not result in a bed decrease of 10 beds or 10% of the total facility bed capacity, whichever is less over a 2 year period, the partial discontinuation shall not require a permit.

"Establish or Establishment" means the construction of a health care facility or the replacement of an existing facility on another site.

"Executive Secretary or Secretary" means the chief executive officer of the State Board, responsible to the Chairman and, thru the Chairman, responsible to the State Board for the execution of its policies and procedures.

"Health Services" means diagnostic, treatment or rehabilitative services which are grouped, for purposes of review, into clinically related Categories of Service based upon level or type of support functions, equipment or treatment provided to patients/residents. Categories of Service, when established, are subject to Certificate of Need Review regardless of project cost except for those Categories of Service (as indicated by an asterisk in the following listing) which are subject to review for establishment Only when the projected annual operating costs exceeds the annual operating cost minimum as detailed in 2 Ill. Adm. Code 1925.280(a)(15)(A).

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

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- Acute Mental Illness;
- * Alcoholism Treatment;
- * Blood Bank;
- * Burn Treatment;
- * Cardiac Catheterization;
- * Computer Systems;
- * Diagnostic Imaging;
- * Emergency Services;
- * End Stage Renal Disease;
- * Intensive Care;
- * Laboratory;
- * Medical Surgical;
- * Non-Hospital Based Ambulatory Surgery;
- * Obstetric Services;
- * Occupational Therapy;
- * Open Heart Surgery
- * Outpatient Ambulatory Care;
- * Pediatric Services;
- * Perinatal/High Risk;
- * Pharmacy;
- * Physical Therapy;
- * Radiation Therapy;
- * Rehabilitation Services;
- * Respiratory Therapy;
- * Surgery
- * Alcoholism Treatment Programs in Long-Term Care Facilities;
- * Chronic Mental Illness (M.I.);
- * Long-Term Care for the Developmentally Disabled (Adult)
- * Long-Term Care for the Developmentally Disabled (Children);
- * Long-Term Medical Care for Children;
- * Nursing Care Category of Service; and
- * Sheltered Care Category of Service.

"Illinois Department of Public Health" or "Agency" means the Department of Public Health of the State of Illinois.

"Modernization" means construction or modification (other than that which substantially changes the number of beds as defined in "Substantially Changes the Bed Capacity of a Health Care Facility", or which substantially changes the scope or functional operation as defined in "Substantially Changes the Scope or Changes the Functional Operation of the Health Care Facility" in an existing health facility by means of building, alteration, reconstruction, remodeling, replacement, the erection of new buildings, or the acquisition, alteration or replacement of equipment.

"State Board" means the Health Facilities Planning Board

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established by the Act.

"Substantially Changes the Bed Capacity of a Health Care Facility" means construction or modification, including acquisition of equipment, which changes the bed capacity of a health care facility by increasing or decreasing the total number of beds or by distributing beds among various categories of services or by relocating beds from one physical facility or site to another by more than 10 beds or more than 10% of total bed capacity as defined by the State Board, whichever is less, over a two year period. The two year period begins on the date when additional beds added to the facility inventory become operational. Each facility will be contacted annually to verify bed inventory. If there is found, through this verification process, an increase in the calculated bed capacity of the facility the State Agency shall determine the date the additional beds become operational and thus establish when the two year period begins.

"Substantially Changes the Scope or Changes the Functional Operation of the Facility" means construction or modification, including acquisition or alteration of equipment, for the purpose of: instituting an additional or different category of service. It should be noted that all proposed capital expenditures (including those which do not substantially change the scope) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals of less than the capital expenditure minimum require a permit if the project or transaction is for a substantial change in the facility's bed capacity.

Section 1150.330 Health Maintenance Organization Definitions

"Health Maintenance Organization" (HMO) means: A public or private organization which is required to be operated pursuant to the Health Maintenance Organization Act, approved August 27, 1974; as now or hereafter amended (Ill. Rev. Stat., 1981; ch. 111 1/2; pars. 1401 et seq.) and which;

- a) Is a qualified health maintenance organization under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)); or
- b) Provides or otherwise makes available to all enrolled participants health care services including at a minimum the following basic health care services:

- 1) usual physician services

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- 2) - hospitalization
 - 3) laboratory
 - 4) x-ray
 - 5) emergency
 - 6) preventive services
 - 7) out of area coverage and is,
- c) An organization which is compensated (except for co-payments) for the provisions of the basic health care services listed above to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and
- d) In an organization which provides physician services primarily:
- 1) directly through physicians who are either employees or partners of such organizations; or
 - 2) through arrangement with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis.)

SUBPART D: APPLICABILITY AND PROCEDURES

Section 1150.410 Applicability

- a) "Health Care Facilities Subject to this Part"
- This Part shall apply to all proposed or existing HMO's as defined in Section 1150.330 unless the organization is federally owned or exempt. Projects or portions of projects which are classified as technologically innovative equipment or innovative programs are subject to 77 Ill. Adm. Code 1210.
- b) "Projects Subject to Review"
- A permit is required for any establishment, construction or modification projects of HMO's as defined in Section 1150.330 when the proposed project has not received an exemption from the certificate of need review process and meets one or more of the following thresholds:

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- 1) the proposed expenditure for major medical equipment and/or all other capital expenditure is in excess of the capital expenditure minimum. (Any capital expenditure or other transaction made by or on behalf of a health care facility, which in accepted accounting practices would normally be capitalized in the accounts of the health care facility shall be considered a capital expenditure for purposes of this Part.) For buildings or equipment to be acquired by lease or ift, the dollar value shall be the cost that would have been required for purchase;
 - 2) Proposes to change the scope of the facility as defined in Section 1150.320 of this Part.
 - 3) Proposes to substantially change the facility's bed capacity as defined in Section 1150.320 of this Part;
 - 4) The proposed project involves "Discontinuation" as defined in Section 1150.320 of this Part.
- Section 1150.420 Classification of Projects
- a) "Classification of Construction and Modification Projects"
- 1) Each application for permit on projects which are not exempt from review will be classified by the Executive Secretary as to the review being substantive or emergency in accordance with subsection (b) below. In making a decision the Secretary may consult with areawide health planning organizations, with licensing officials, and with others. The Executive Secretary will consider the recommendations received from these sources.
 - 2) Appeal of any classification under this Part is to the State Board. The State Board will continuously monitor this classification process. It is subject to change upon adoption and promulgation of a revision to this Part in accordance with the "Illinois Administrative Procedure Act" (Ill. Rev. Stat. 1981, ch. 127, pars. 1001 et seq., as amended).
- b) "Classification Definitions"
- 1) Substantive Review Classification.
- Substantive projects are all or portions of construction or modification projects of proposed or existing facilities which are subject to review as defined in Section

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- 1150.410(b) unless such projects are emergency projects as defined below.

2) Emergency Classification.

A) Emergency projects are subject to the review process and are those construction or modification projects which are necessary because there exists one or more of the following conditions:

- i) An imminent threat to the structural integrity of the building; and/or
 - ii) An imminent threat to the safe operation and functioning of the mechanical, electrical, or comparable systems of the building.
- B) Since the State Board recognizes that applications for "Emergency" projects must be processed as expeditiously as possible, all applications will be reviewed in accordance with the following Review Criteria:
- i) That the proposed project is indeed an "Emergency" project as defined in (b)(2)(A) (i and ii) above; and
 - ii) That failure to proceed immediately with the project would result in closure or impairment of the inpatient operation of the facility; and
 - iii) That the "Emergency" conditions did not exist longer than 30 days prior to requesting the "Emergency" classification.

- c) All applications for "Emergency" shall be processed as outlined in 77 Ill. Adm. Code 1160.

Section 1150.430 Processing

- a) All applications for permit reviewed under this Part shall be processed in accordance with the provisions of 77 Ill. Adm. Code 1160.
- b) No review by the Agency for projects subject to this Part shall take longer than 90 days from the date the application is deemed complete.

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- c) No review by the areawide health planning organization for projects subject to this Part shall take longer than 60 days from the date the application is deemed complete.

Section 1150.440 Application

Application for permit shall be obtained from the Executive Secretary of the Illinois Health Facilities Planning Board, 525 West Jefferson Street, Springfield, Illinois 62761.

Section 1150.450 Exemptions

- a) "Processing" of exemptions shall be done in accordance with procedures established in 77 Ill. Adm. Code 1160.220 and this Section.

- b) "Required Exemptions"

- 1) HMO Projects exceeding the capital expenditure minimum, involving discontinuation, or which are for the establishment of a new category of service which are not in or on behalf of an inpatient health care facility are exempt from the certificate of need review process. Applicants proposing such projects should file a "Letter of Intent" with the State Agency and the appropriate areawide health planning organization for the area in which the proposed project is to be located. This letter should be received at least 30 days before contractual arrangements pursuant to the proposed project are entered into.

- 2) Such "Letters of Intent" should include at least the following:

- A) A brief description of the project;
- B) The estimated project cost, and
- C) An estimation of dates of initiation and completion of project.

- c) "Acquisition of Major Medical Equipment" by an ambulatory care facility of an HMO costing more than the capital expenditure minimum is reviewable except when exempt. The applicant proposing the project must apply to the State Agency for such exemption at least 30 days before the applicant enters into a contract to acquire the aforementioned equipment. The application must include at least the following information:

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- 1) The name of the facility proposing to acquire the equipment;
- 2) Identification of the equipment to be acquired;
- 3) The location where the equipment will be installed; and
- 4) Assurance that the equipment will not be used to provide services to the inpatients of a health care facility.

relate to inpatient service; and,

d) "Inpatient Care Exemptions"

- 1) Any applicant seeking an exemption from certificate of need review for capital projects, establishment of a category of service or acquisition of major medical equipment relating to inpatient care must file an application for exemption with the State Agency at least 30 days before contractual arrangements are entered into to acquire or construct such services, equipment, beds, or facilities.

2) The application for exemption must document that:

- A) The applicant is an HMO or combination of HMOs seeking services or acquisitions which relate to inpatient services; and

- i) Will offer the service(s) in a location which is "reasonably accessible" to individuals enrolled in such organization or organizations; and,
- ii) Can demonstrate that at least 75% of those inpatients or who will receive the service(s) proposed will be enrollees of the applicant(s);

B) The applicant is a health care facility and

- i) The facility provides or will provide inpatient health services;
- ii) The facility is or will be controlled by an HMO or HMO's meeting the requirement under subsection (d)(2)(A)(i) above;

- iii) At least 75% of the individuals who can be expected to use the institutional health services will be enrollees of the HMO(s); or

- C) The applicant is a health care facility or a portion of such facility seeking services or acquisition which

- iii) The facility is, or will be, located in such a way as to meet the requirement of subsection (d)(2)(A)(i) above;

- iv) At least 75% of the individuals who can be expected to use the institutional health services will be enrollees of the HMO(s);

e) "State Agency Review of Exemptions Requirements"

Within 30 days following the receipt of the application, the State Agency shall evaluate the application and either issue an Exemption or advise the person, in writing, that the Exemption is denied, the reasons for that denial and that an application for permit is required.

f) "Projects Subject to Review"

- 1) An applicant proposing a capital project, acquisition of major medical equipment or establishment of a category of service which is not exempt must document:

- A) The needs of the enrollee members and reasonably anticipated new members of the HMO for the health services proposed; and

- B) The availability of the new health service from non-HMO providers or other HMOs in a reasonable and cost effective manner which is consistent with the basic method of operation of the HMO. In assessing the availability of these health services from these providers, the applicant must address whether or not the services from these providers:

- i) Would be available under a contract of at least five years duration;

- ii) Would be available and conveniently accessible through physicians and other health professionals associated with the HMO (For

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example-whether physicians associated with the HMO have or will have full staff privileges at a non-HMO hospital);

iii) Would cost no more than if the services were provided by the HMO; and

iv) Would be available in a manner which is administratively feasible to the HMO.

2) The State Board, upon review of the submitted documentation shall determine if:

A) The proposed expenditure service or equipment is required to meet the needs of enrollees, or reasonably projected enrollees of the applicant HMO(s) and;

B) The HMO cannot reasonably provide the services through services or facilities which are available to the organization under any mechanism which is consistent with its method of organization and operation which is cost effective and which is available to its associated health professional staff.

3) Based upon its evaluation of these requirements, the Board shall make its determination. Projects meeting the requirements of this Section shall be approved by the Board.

g) "Conditions on Approval or Exemption"

When an exemption is granted because the applicant meets the conditions delineated in Section 1150.450(d) or when an applicant receives a permit, the entity granted the exemption or permit is subject to certain future provisions. The facility or equipment exempted or receiving a permit cannot be sold or leased, nor can control or use of the asset be transferred to any other organization unless:

1) The State Board issues a certificate of need approving the sale, lease or use; or

2) The State Board determines, upon application that the purchaser, leasee or user meets the membership, access and utilization criteria included under Section 1150.450, and grants an exemption.

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1) Heading of the Part:

Narrative and Planning Policies

2) Code Citation:

77 Ill. Adm. Code 1100

3) Section Numbers:

1100.40
1100.220
1100.560
1100.570
1100.620
1100.630
1100.660

Proposed Action:

Repeal
Amendment
Amendment
Amendment
Amendment

4) Statutory Authority:

Illinois Health Facilities Planning Act
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1151 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Proposed changes consist of the following:

1100.40 - Part 1150 is proposed to be repealed thus making Part 1100 and Part 1110 applicable.

1100.220 - The definition involving a substantial change in scope is being modified to add the term "at a site." A definition of site is also added. The basis for this change is to prevent corporations which may operate several facilities under one license from shifting services or adding services utilizing the argument that all sites represent only one licensed entity.

1100.560 - The need formula does not adjust correctly for state admissions and will be modified.

1100.570 - The Board has elected to eliminate all grandfathering facilities, as no cut-off on grandfathering has previously been made, have tried to utilize this process to avoid review.

1100.620 - The emphasis in cardiac catheterization is to be shifted

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from diagnostic to therapeutic procedures. This change requires a revision to all need targets.

1100.630 - As ESRD units usually do not require major construction to establish the formula is to be amended from a five- to a two-year projection.

1100.660 - The Board is proposing to establish a bed need use rate ceiling to reduce bed need in high bed density areas.

1100.710 - New equipment has allowed existing kidney equipment to be utilized also for gall stone lithotripsy. This requires a revision to all need standards.

There is no economic effect anticipated through this rulemaking. The Department anticipates that this rulemaking will become effective six to nine months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

10) Statement of Statewide Policy Objectives:

Please specify: To implement the Illinois Certificate on need program in an efficient manner and to adjust all regulation to remain both current and appropriate. No impact on local government will occur.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

A public hearing on the proposed rules has been scheduled for Thursday, May 18, 1989 at 1:30 p.m. The hearing will be held at the Office of Health Policy and Planning, 525 West Jefferson, Second Floor, Springfield, Illinois 62761.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

April 6, 1989

B) Type of Small Businesses Affected:

None.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100
NARRATIVE AND PLANNING POLICIES
SUBPART A: GENERAL NARRATIVE

Section
1100.10 Introduction
1100.20 Authority
1100.30 Purpose
1100.40 Health Maintenance Organizations (Repealed)
1100.50 Subchapter Organization
1100.60 Mandatory Reporting of Data
1100.70 Data Appendices
1100.80 Institutional Master Plan Hospitals (Repealed)
1100.90 Public Hearings

SUBPART B: GENERAL DEFINITIONS

Section
1100.210 Introduction
1100.220 Definitions

SUBPART C: PLANNING POLICIES

Section
1100.310 Need Assessment
1100.320 Staffing
1100.330 Manpower Training
1100.340 Local Planning Studies
1100.350 Multi-Institutional Systems
1100.360 Modern Facilities
1100.370 Occupancy-Utilization Standards
1100.380 Systems Planning
1100.390 Quality
1100.400 Location
1100.410 Plans of State Agencies and Recognized Area-wide
Planning Organizations
1100.420 Discontinuation

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section
1100.510 Introduction

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1100.520 Medical-Surgical/Pediatric Beds
1100.530 Obstetric Beds
1100.540 Intensive Care Beds
1100.550 Comprehensive Physical Rehabilitation Beds
1100.560 Acute Mental Illness
1100.570 Substance Abuse Beds
1100.580 Perinatal/High Risk Beds
1100.590 Burn Beds
1100.600 Therapeutic Radiology Equipment
1100.610 Open Heart Surgery
1100.620 Cardiac Catheterization Services
1100.630 End Stage Renal Disease
1100.640 Non-Hospital Based Ambulatory Surgery
1100.650 Computer Systems (Repealed)
1100.660 General Long-Term Care Beds
1100.670 Specialized Long-Term Care Beds
1100.680 Magnetic Resonance
1100.690 High Linear Energy Transfer (L.E.T.)
1100.700 Positron Emission Tomographic Scanning (P.E.T.)
1100.710 Extracorporeal Shock Wave Lithotripsy

APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm. Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1985, ch 111 1/2, pars. 1151 et seq.).

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg., p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983, amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344; effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 19, 1988; amended at 13 Ill. Reg. , effective

NOTE: Capitalization of language denotes statutory language.

SUBPART A: GENERAL NARRATIVE

Section 1100.40 Health Maintenance Organizations (Repealed)

This Subchapter does not apply to existing or proposed Health Maintenance Organizations which are subject to the provisions of 77-111-Adm-

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~~Code-1150-(Certificate-of-Need-for-Health-Maintenance-Organizations)-7~~

(Source: Repealed at 13 Ill. Reg. , effective)

SUBPART 8: GENERAL DEFINITIONS

Section 1100.220 Definitions:

"Act" means the Illinois Health Facilities Planning Act. (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1151 et seq.)

"Admissions" means the number of patients accepted for inpatient service during a 12-month period; the newborn are not included.

"Applicable Codes and/or Current Recognized Standards" means the current official codes of governmental bodies applicable under law or regulation to Illinois health facilities and/or standards of health facility design, construction and equipment promulgated on a regular or permanent basis by an authority, public or private. A listing of the applicable codes utilized in the application review process may be found in Appendix A of this Part.

"AREAWIDE HEALTH PLANNING ORGANIZATION" MEANS THE HEALTH SYSTEMS AGENCY DESIGNATED BY THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) PURSUANT TO FEDERAL PUBLIC LAW 93-641, OR ANY SUCCESSOR AGENCY.

Average Daily Census (ADC)" means over a 12-month period the average number of inpatients receiving service on any given day.

"Average Length of Stay (ALOS)" means over a 12-month period the average duration of inpatient stay expressed in days; determined by dividing total inpatient days by total admissions.

"Bed Capacity or Existing Bed Capacity" means the number of beds (calculated capacity) recognized for planning purposes at a facility as determined by the Illinois Department of Public Health. The method for determining a facility's bed capacity by category of service is reflected in the Bed Need Determination section for that category of service.

The calculated capacity which is utilized is based on the following:

Measured or Surveyed Bed Capacity - the number of beds by category of service which could be operated based on the amount of clear and usable floor area allowing:

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100 square feet per bed in single-occupancy rooms.
80 square feet per bed in multi-occupancy rooms.
40 square feet per bassinets in pediatric nurseries.

Functional Bed Capacity - the number of beds by category of service the facility considers appropriate to place in patient rooms taking into account patient care requirements and the ability to perform the regular functions of patient care required for patients for the particular category of service involved.

Licensed Bed Capacity - the number of beds by category of service recognized and licensed by the Illinois Department of Public Health. (Currently applies only to Long-Term Care Facilities.)

"CAPITAL EXPENDITURE" MEANS AN EXPENDITURE: MADE BY OR ON BEHALF OF A HEALTH CARE FACILITY (AS SUCH A FACILITY IS DEFINED IN THIS ACT); AND WHICH UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES IS NOT PROPERLY CHARGEABLE AS AN EXPENSE OF OPERATION AND MAINTENANCE, OR IS MADE TO OBTAIN BY LEASE OR COMPARABLE ARRANGEMENT ANY FACILITY OR PART THEREOF OR ANY EQUIPMENT FOR A FACILITY OR PART; AND WHICH EXCEEDS THE CAPITAL EXPENDITURE MINIMUM. THE COST OF ANY STUDIES, SURVEYS, DESIGNS, PLANS, WORKING DRAWINGS, SPECIFICATIONS, AND OTHER ACTIVITIES ESSENTIAL TO THE ACQUISITION, IMPROVEMENT, EXPANSION, OR REPLACEMENT OF ANY PLANT OR EQUIPMENT WITH RESPECT TO WHICH AN EXPENDITURE IS MADE SHALL BE INCLUDED IN DETERMINING IF SUCH EXPENDITURE EXCEEDS THE CAPITAL EXPENDITURE MINIMUM. DONATIONS OF EQUIPMENT OR FACILITIES TO A HEALTH CARE FACILITY WHICH IF ACQUIRED DIRECTLY BY SUCH FACILITY WOULD BE SUBJECT TO REVIEW SHALL BE CONSIDERED CAPITAL EXPENDITURES, AND A TRANSFER OF EQUIPMENT OR FACILITIES FOR LESS THAN FAIR MARKET VALUE SHALL BE CONSIDERED A CAPITAL EXPENDITURE IF A TRANSFER OR THE EQUIPMENT OR FACILITIES AT FAIR MARKET VALUE WOULD BE SUBJECT TO REVIEW.

"Capital Expenditure Minimum" means that dollar amount established by the State Board in accordance with the provisions of 2 Ill. Adm. Code 1925.280(a)(15)(A) "rules of organization of the Illinois Health Facilities Planning Board." Separate dollar amounts are established for major medical equipment and all other expenditures, both of which are annually adjusted to reflect the increase in construction costs due to inflation.

"Category of Service" means a grouping by generic class of various

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types or levels of support functions, equipment, care or treatment provided to patient/residents. Examples include but are not limited to medical-surgical, pediatrics, therapeutic radiology, etc.

"Chairman" means the duly elected presiding officer of the State Board.

"CONSTRUCTION OR MODIFICATION" MEANS, THE ESTABLISHMENT, ERECTION, BUILDING, ALTERATION, RECONSTRUCTION, MODERNIZATION, IMPROVEMENT, EXTENSION, DISCONTINUATION, CHANGE OF OWNERSHIP OF OR BY A HEALTH CARE FACILITY, OR THE PURCHASE OR ACQUISITION BY OR THROUGH A HEALTH CARE FACILITY OF EQUIPMENT FOR DIAGNOSTIC OR THERAPEUTIC PURPOSES OR FOR FACILITY ADMINISTRATION OR OPERATION OR ANY CAPITAL EXPENDITURE MADE BY OR ON BEHALF OF A HEALTH CARE FACILITY WHICH EXCEEDS THE CAPITAL EXPENDITURE MINIMUM. Site acquisition is not included in the cost of "construction or modification".

"Construction Contracts" means the enforceable contracts covering the principal work, including the general construction contracts.

"Discontinuation" means to cease operation of an entire health care facility or to cease operation of a category of service or to reduce a service bed total (calculated capacity) by 10 beds or more over a two year period. It should be noted, however, that daily or seasonal fluctuations in bed complement do not require an application for permit of "discontinuation".

"ESTABLISH OR ESTABLISHMENT" MEANS THE CONSTRUCTION OF A HEALTH CARE FACILITY OR THE REPLACEMENT OF AN EXISTING FACILITY ON ANOTHER SITE.

"Executive Secretary or Secretary" means the chief executive officer of the State Board, responsible to the Chairman and, through the Chairman, responsible to the State Board for the execution of its policies and procedures.

"Health Service Area" means those physical areas as defined by the Department of Health and Human Services pursuant to 42 U.S.C. 300K which were designated as of December 31, 1986. Those geographic areas consist of:

HSA I

Boone County	DeKalb County	Stephenson County
Carroll County	Ogle County	Winnebago County
Lee County	JoDaviess County	Whiteside County

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HSA II

LaSalle County
Putnam County
Marshall County
Woodford County
Tazewell County

Peoria County
Stark County
Bureau County
Knox County
Fulton County

Warren County
Henderson County
McDonough County

HSA III

Hancock County
Adams County
Pike County
Brown County
Schuyler County
Calhoun County

Jersey County
Greene County
Scott County
Morgan County
Cass County
Mason County

Menard County
Logan County
Sangamon County
Macoupin County
Christian County
Montgomery County

HSA IV

Champaign County
Vermilion County
Ford County
Iroquois County
Edgar County
Clark County

Coles County
Cumberland County
Douglas County
Moultrie County
Shelby County
Macon County

Piatt County
McLean County
Livingston County
DeKitt County

HSA V

Bond County
Fayette County
Effingham County
Jasper County
Crawford County
Clay County
Richland County
Lawrence County
Marion County
Wayne County

Edwards County
Wabash County
Washington County
Jefferson County
Perry County
Randolph County
Jackson County
Franklin County
Hamilton County
White County

Williamson County
Saline County
Gallatin County
Union County
Johnson County
Pope County
Hardin County
Alexander County
Pulaski County
Massac County

HSA VI

City of Chicago

HSA VII

Suburban Cook County DuPage County

HSA VIII

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Kane County	Lake County	McHenry County
HSA IX		
Will County	Grundy County	
Kendall County	Kankakee County	
HSA X		
Rock Island County	Mercer County	Henry County
HSA XI		
Madison County	Clinton County	
St. Clair County	Monroe County	

"Hospital" means a facility, institution, place or building utilized for the prevention, diagnosis and treatment of physical and mental ills. For purposes of this subchapter, three basic types of hospitals are recognized:

General Hospital - any facility licensed pursuant to or operated in accordance with the Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 142 et seq.) and which offers an integrated variety of categories of service and which offers and performs scheduled surgical procedures on an inpatient basis.

Special or Specialized Hospital - any facility licensed pursuant to or operated in accordance with the Hospital Licensing Act and which offers primarily, a special or particular category of service.

Facilities operated or maintained by the Illinois Department of Mental Health and Developmental Disabilities which is operated privately would be subject to the Hospital Licensing Act.

"ILLINOIS DEPARTMENT OF PUBLIC HEALTH" OR "AGENCY" MEANS THE DEPARTMENT OF PUBLIC HEALTH OF THE STATE OF ILLINOIS.

"Long-Term Care Facility" means any institution required to be licensed pursuant to the "Nursing Home Care Reform Act of 1979" or any facility or portion thereof maintained by the State or any entity of the State, which if operated privately would be subject to licensure under the "Nursing Home Care Reform Act of 1979".

"MAJOR MEDICAL EQUIPMENT" MEANS MEDICAL EQUIPMENT WHICH IS USED

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FOR THE PROVISION OF MEDICAL AND OTHER HEALTH SERVICES AND WHICH COSTS IN EXCESS OF THE CAPITAL EXPENDITURE MINIMUM, EXCEPT THAT SUCH TERM DOES NOT INCLUDE MEDICAL EQUIPMENT ACQUIRED BY OR ON BEHALF OF A CLINICAL LABORATORY TO PROVIDE CLINICAL LABORATORY SERVICES IF THE CLINICAL LABORATORY IS INDEPENDENT OF A PHYSICIAN'S OFFICE AND A HOSPITAL AND IT HAS BEEN DETERMINED UNDER TITLE XVIII OF THE SOCIAL SECURITY ACT (42 U.S.C.A. 1395x) TO MEET THE REQUIREMENTS OF PARAGRAPHS (10) AND (11) OF SECTION 186(5) OF SUCH ACT. IN DETERMINING WHETHER MEDICAL EQUIPMENT HAS A VALUE IN EXCESS OF THE CAPITAL EXPENDITURE MINIMUM, THE VALUE OF STUDIES, SURVEYS, DESIGNS, PLANS, WORKING DRAWINGS, SPECIFICATIONS, AND OTHER ACTIVITIES ESSENTIAL TO THE ACQUISITION OF SUCH EQUIPMENT SHALL BE INCLUDED.

"Modernization" means construction or modification (other than that which substantially changes the number of beds as defined in "Substantially Changes The Bed Count of a Health Care Facility", or which substantially changes the scope or functional operation as defined in "Substantially Changes The Scope or Changes The Functional Operation of The Facility" in an existing health facility by means of building, alteration, reconstruction, remodeling, replacement, the erection of new buildings, or the acquisition, alteration or replacement of equipment.

"Multi-Institutional System" means arrangements which are made by contract, agreement, management, licensure, ownership, or other means between two or more health care facilities for the purpose of carrying out an enterprise which will coordinate or consolidate services, share support services, or develop the capacity to provide various levels or categories of health care services on a geographically integrated basis. Such systems may also involve non-institutional health services and facilities.

"Occupancy Rate" means a measure of inpatient health facility use, determined by dividing average daily census by inpatient bed total (calculated capacity). It measures the average percentage of a facility's beds occupied and may be institution-wide or specific for one department or service.

"Occupancy Target or Desired Occupancy Rate" means a minimum utilization level established by the Agency for a facility or service reflecting access as well as operational efficiency.

"Patient Days" means the total number of days of service provided to inpatients of a facility over a 12-month period.

"Population or Population Projections" means the latest estimates available from the Illinois Bureau of the Budget for the current

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and/or projected number of Illinois residents. Projected population is a 5 year projection of current population.

"Planning Area" means a defined geographic area within the State established by the State Board as a basis for the collection, organization, and analysis of information to determine health care resources and needs and to serve as a basis for planning. Planning areas by category of service are delineated in the Appendices to 77 Ill. Adm. Code 1110.

"Site" means the location of a provider or a proposed project as determined by street address or legal property description.

"STATE BOARD" MEANS THE HEALTH FACILITIES PLANNING BOARD ESTABLISHED BY THE ACT.

"Subcategory of Service or Level of Care" means a specific degree of, type of, or approach to patient/resident care within a defined category of service. Specific subcategories of service or levels of care are listed under each category of service.

"SUBSTANTIALLY CHANGES THE BED COUNT OF A HEALTH CARE FACILITY" MEANS CONSTRUCTION OR MODIFICATION, INCLUDING ACQUISITION OF EQUIPMENT, WHICH CHANGES THE BED CAPACITY OF A HEALTH CARE FACILITY BY INCREASING OR DECREASING THE TOTAL NUMBER OF BEDS OR BY DISTRIBUTING BEDS AMONG VARIOUS CATEGORIES OF SERVICE OR BY RELOCATING BEDS FROM ONE PHYSICAL FACILITY OR SITE TO ANOTHER BY MORE THAN 10 BEDS OR MORE THAN 10% OF TOTAL BED CAPACITY AS DEFINED BY THE STATE BOARD, WHICHEVER IS LESS, OVER A 2 YEAR PERIOD. The two year period begins on the date when additional beds added to the facility inventory become operational or when beds were discontinued. When a permit is granted which will result in a change in bed capacity, the applicant facility may not add or discontinue any more beds in those services affected by the permit for 2 years from the date that such beds become operational (or are discontinued) without obtaining an additional permit from the State Board. The facility may add or discontinue beds (as long as the number added or discontinued does not exceed 10 beds or 10% of the total facility capacity over the 2 year period) in the other services not affected by the permit. Each facility will be contacted annually to verify bed inventory. If there is found, through this verification process, an increase or decrease in the calculated bed capacity of the facility, the State Agency shall determine the date the two year period begins. The date shall be published in the next available compilation of the Inventory of Health Care Facilities and Need Determinations by Planning Area.

It should be noted that all proposed capital expenditures

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(including those which do not substantially change the bed capacity) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals for less than the capital expenditure minimum including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's bed capacity.

"SUBSTANTIALLY CHANGES THE SCOPE OFR CHANGES THE FUNCTIONAL OPERATION OF THE FACILITY" MEANS CONSTRUCTION OF MODIFICATION, INCLUDING ACQUISITION OR ALTERATION OF EQUIPMENT, FOR THE PURPOSE OF: instituting at a site an additional or different category of service as defined in "Category of Service".

It should be noted that all proposed capital expenditures (including those which do not substantially change the scope) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals for the capital expenditure minimum or less including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's scope or functional operation.

"Use Rate" means the ratio of inpatient days occurring to the population of an area expressed in days per 1,000 population over a 12-month period.

"Utilization" means patterns or rates of use of a single service or type of service. Use is expressed in rates per unit of population at risk for a given period.

"Variance" means an exception to computed need based upon criteria or conditions as outlined in the planning policies for various categories of service.

(Source: Amended at 13 Ill. Reg. , effective)

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section 1100.560 Acute Mental Illness

a) Planning Areas:

- 1) Health Service Areas as defined by the Department of Health and Human Services pursuant to 42 U.S.C. 300K.

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- 2) Health service areas VI and VII were further delineated and subdivided into geographic units called planning areas based upon following the existing, designated subregions of the Department of Mental Health and Developmental Disabilities, as closely as possible.

- b) Age Groups: Children/Adolescents (Ages 0-17); Adults (Ages 18 and Over)

- c) Occupancy Targets (Developed based upon historical data):

Service	Occupancy Targets-- Modernization and Construction	
	All units	85%

Acute Mental Illness

- d) Bed Capacity: Acute Mental Illness bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.

- e) Total Bed Need Determination (for Acute Mental Illness is determined by):

- 1) Multiply-the-planning-area-adult-population-by-the-adult mental-illness-prevalence-rate-of-14.
- 2) Determine-the-number-of-adults-requiring-mental-health services-by-multiplying-the-product-of-step-1-by-66-(66%).
- 3) Determine-the-number-of-adults-requiring-intervention-by-a psychiatrist-by-multiplying-the-product-of-step-2-by-25-(25%).
- 4) Determine-the-number-of-adults-requiring-acute-inpatient care-by-multiplying-the-product-of-step-3-by-215-(31.5%).
- 5) Adjust-for-these-adults-admitted-from-the-private-sector directly-to-acute-mental-illness-units-of-State-operated facilities-by-subtracting-the-number-of-external-admissions to-State-operated-facilities-in-the-planning-area-from-the results-of-step-4.
- 6) Calculate-adult-"projected-patient-days"-by-multiplying-the results-of-step-5-by-an-"average-length-of-stay"-of-20-days.
- 7) Determine-the-projected-adult-"average-daily-census"-by-

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- dividing-the-product-of-step-6-by-365-(days).
- 8) Determine-the-number-of-adult-beds-needed-by-dividing-the product-of-step-7-by-the-occupancy-factor-of-85-(85%).
- 9) Multiply-the-planning-area-children/adolescent-population-by the-children/adolescent-mental-illness-prevalence-rate-of-15.
- 10) Determine-the-number-of-children/adolescents-with-severe psychosis-by-multiplying-the-product-of-step-9-by-103.
- 11) Determine-the-number-of-children/adolescents-with-other mental-illness-problems-by-subtracting-the-product-obtained in-step-10-from-the-product-obtained-in-step-9.
- 12) Determine-the-number-of-children/adolescents-requiring intervention-by-a-psychiatrist-by-adding-100%-of-the product-obtained-in-step-10-to-3%-of-the-product-obtained in-step-11.
- 13) Determine-the-number-of-children/adolescents-requiring-acute inpatient-psychiatric-care-by-multiplying-the-product-of step-12-by-174-(17.4%).
- 14) Adjust-for-these-children/adolescents-admitted-from-the private-sector-directly-to-acute-mental-illness-units-of State-operated-facilities-by-subtracting-the-number-of external-admissions-to-State-operated-facilities-in-the planning-area-from-the-results-of-step-13.
- 15) Calculate-the-"projected-patient-days"-by-multiplying-the results-of-step-14-by-an-average-length-of-stay-of-30 days.
- 16) Determine-the-projected-children/adolescent-"average-daily census"-by-dividing-the-product-of-step-15-by-365-(days).
- 17) Determine-the-number-of-children/adolescent-beds-needed-by dividing-the-product-of-step-16-by-the-occupancy-factor-of-85-(85%).
- 18) Add-the-number-of-adult-beds-needed-(as-determined-in-step 8)-and-the-number-of-children/adolescent-beds-needed-(as determined-in-step-17)-to-determine-the-planning-area-5-bed need-for-the-category-of-server.

- 1) A bed need of .4 beds per 1,000 population is established in

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- each planning area as the need baseline.

- 2) Calculate a state facility bed need per 1,000 population by dividing the total number of state beds utilized for AMI service by the state population in thousands.
- 3) Subtract in each planning area the calculated state facility bed need per 1,000 population from the .4 per 1,000 population baseline to obtain an adjusted bed need rate.
- 4) Calculate an AMI adjustment factor by dividing private sector AMI admissions by the combined total private sector AMI and Substance Abuse admissions.
- 5) Multiply the adjusted bed need rate (step 3) by the AMI adjustment factor (step 4) to obtain a service adjusted bed need rate.
- 6) Divide the adjusted bed need rate from step 5 by an occupancy target of .85 then multiply the occupancy adjusted rate by the projected area population in thousands to arrive at the initial bed need.
- 7) Adjust the planning area bed need for migration:
 - A) determine the number of patients entering the planning area and the number of area residents leaving the planning area for acute mental illness service;
 - B) multiply the total number of patients entering the planning area by 20 to obtain in-migration days of care;
 - C) multiply the total number of patients leaving the planning area by 20 to obtain out-migration days of care;
 - D) multiply both the in-migration and out-migration days of care totals by a .85 adjustment factor;
 - E) subtract the smaller adjusted migration days of care total from the larger adjusted migration days of care total to determine the net patient day migration total (if the out-migration is largest the area is a net out-migration area while the reverse is true if in-migration days is the larger figure.);*
- F) AGENCY NOTE: *Patient migration adjustment is for a

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one year period and the base year shall be the date of the latest available patient origin data.

- F) divide the net in or out patient day migration total by 365 to determine the average daily census for migration;
- G) in the case of a net in-migration add the average daily census for migration to the initial bed need (step 6). In the case of a net out-migration, subtract the average daily census for migration from the initial bed need to obtain the calculated number of beds needed;

- 8) Calculate the number of additional beds needed in each area by subtracting the number of existing beds in private sector facilities from the calculated number of beds needed.*

AGENCY NOTE: *The bed need may be further adjusted by an applicant for the purpose of the variances (Section 1110.730c) for age groups by multiplying the bed need per planning area by the percentage of area population in the specific age group (i.e. if 60% of an area's population was 18 and over then 60% of needed beds would be for this age group).

(Source: Amended at 13 Ill. Reg.

)

Section 1100.570 Substance Abuse Beds

- a) Planning Areas: Health Service Areas as defined by the Department of Health and Human Services pursuant to 42 U.S.C. 300K.
- b) Age Groups: all ages
- c) Occupancy Targets (Developed based upon historical data):

Service		Occupancy Targets-- Modernization and Construction
Substance Abuse	All units	90%
Bed Capacity: Substance Abuse bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.		

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e) Bed Need Determination-Substance Abuse

The State Board recognizes that there is a need for facilities and beds for the treatment of substance abuse and encourages the establishment of these beds outside of inpatient facilities and state-operated facilities. Therefore, this Subchapter does not specify or program bed need for substance abuse, although all substance abuse facilities and their beds are inventoried by the Agency. It is the responsibility of the applicant to justify the number of beds needed in any proposed project by complying with the Review Criteria contained in 77 Ill. Adm. Code 1110: Subpart I.

f) Establishment-of-Substance-Abuse-Inventories

The adoption of a substance abuse category of service represents the combination of the alcoholism category of service and chemical dependency which was a sub-category of the medical/surgical category of service. To accurately compile an inventory of providers of substance abuse services, the following conditions are established relative to the grandfathering of providers into the substance abuse category of service. Facilities shall be recognized as having the substance abuse category of service, if as of April 30, 1986, documentation can be provided of one or more of the following:

- 1) The facility was recognized by the Illinois Health Facilities Planning Board as a provider of the alcoholism category of service or
- 2) The facility operated an inpatient rehabilitation program for substance abuse which was recognized for reimbursement by third-party payors; or
- 3) As of April 30, 1986, the facility has operated a chemical dependency program which has the following characteristics:
 - A) The program has been operated within a distinct bed unit whose sole purpose is substance abuse rehabilitative treatment;
 - B) That such unit has its own organized professional staff; and
 - C) That there is a process which establishes a written plan of rehabilitative treatment for each patient treated within the unit.

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(Source: Amended at 13 Ill. Reg. , effective)

Section 1100.620 Cardiac Catheterization Services

- a) Planning Areas: Health Service Areas as defined by the Department of Health and Human Services pursuant to P.L. 93-641.

b) Utilization Standards:

There should be a minimum of 200 cardiac catheterization procedures performed annually within two years after initiation.

None.

c) Need Determination-Cardiac Catheterization Programs:

No additional cardiac catheterization service shall be started established unless each facility in the planning area offering cardiac catheterization services operates at a level of 400 procedures annually. The applicant can document that the required number of open heart surgeries (1100.610) are being or will be performed.

(Source: Amended at 13 Ill. Reg. , effective)

Section 1100.630 End Stage Renal Disease

- a) Planning Areas: Health Service Areas as defined by the Department of Health and Human Services pursuant to the National Planning and Resources Development Act (P.L. 93-641, 1978) are utilized in the review of Renal Dialysis Centers or facilities. The entire State of Illinois is the planning area for Renal Transplantation Centers.

b) Utilization Standards:

Renal Dialysis Centers or facilities must operate at a minimum of 80 percent utilization rate, assuming 2 patient shifts per day per renal dialysis station operating 6 days a week.

c) Need Determination-End Stage Renal Dialysis:

The end stage renal disease station need is a two-year projection from the base year. The need for treatment stations can be estimated utilizing the following methodology:

- 1) Determine the patient population receiving dialysis services in the base year.

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- 2) - Determine the number of new patients who will need dialysis services by adding a net increase of 56 new patients per million population annually.
- 3) Add the number of patients currently in dialysis (Step (1)) to the number of new patients expected (Step (2)) to determine maximum projected population volume.
- 4) Adjust the maximum projected population volume by subtracting a 10% annual attrition rate due to death and successful transplantation.
- 5) Adjust the projected projected patient volume determine in (Step (4) downward by subtracting a projected number of patients who will receive home dialysis. This projection is based on the percentage of patients receiving home dialysis within the planning area in the base year when that percentage exceed 12.4 percent. When the percentage falls below 12.4 percent, a minimum percentage of 12.4 percent will be applied.
- 6) Utilizing the adjusted projected patient volume determined in (Step (5) determine the total number of estimated institutional procedures per year by multiplying the projected patient volume from (Step (5) by an average number of procedures per patient per year (156). This utilization rate is based on a 3 times weekly treatment schedule.
- 7) Determine the number of dialysis stations needed by dividing the number of estimated procedures per year (Step (6)) by a recommended average procedures per year of 500 which is based on an optimal 80% utilization rate.

(Source: Amended at 13 Ill. Reg. , effective)

Section 1100.660 General Long-Term Care Beds

("General Long-Term Care" is defined in 77 Ill. Adm Code 1110.1720(a)).

a) Planning Areas:

- 1) Planning Areas for the Chicago Health Service Area. The City of Chicago is divided into geographic units called community areas. In delineating planning areas, community areas were combined taking into account socio-economic data, long-term care patient origin studies conducted by the Department of Public Health, the distribution of beds and facilities serving the existing population, the

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- relationship of existing facilities to other health care facilities including acute care facilities and the planning guidelines specified above. Particular attention was given to areas which have limited accessibility and to time-distance factors within the City. This Plan establishes 11 planning areas for the City of Chicago.
- 2) Planning Areas for the Suburban Cook and DuPage Counties Health Service Area. Planning areas for the suburban Cook County and DuPage County health service area were based on combinations of townships utilizing the guidelines and socio-economic factors previously stated. Twelve planning areas are established within this health service area.
- 3) Planning Areas for Other Health Service Areas.
 - A) Based upon an analysis of socio-economic data, patient origin studies, and planning guidelines, it was determined that planning areas should be coterminous with county boundaries for health service areas outside of Cook and DuPage counties.
 - B) In some instances, it was necessary to combine counties in order to have a sufficient population base to provide a broad range of services.
- b) Age Groups: 0-64, 65-74 and 75 and over.
- c) Occupancy targets ("Modernization" target based upon historical data and "Construction" target based upon 5 years projected data):

Service	Occupancy Targets-- Modernization and Construction
General Long-Term Care	Modernization 85% Construction 90%
- d) Categories of Service:
 - Bed need for the General Long-Term Care Classification of Facilities will be calculated for the Nursing Category of Service Only which includes the skilled nursing level of care and/or the intermediate nursing level of care.
 - e) Minimum Use Rate:

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In assessing the bed need for the Nursing Category of Service, minimum use rates are established in order to promote the development of beds in underserved areas, the formula developed evaluates current facility usage by age groups (0-64, 65-74 and 75 and over) as reflected throughout the entire health service area:

- 1) Calculation of HSA Use Rates. In order to evaluate a planning area's use rate (patient days per 1,000 population), it is first necessary to determine the overall health service area use rates by age group (0-64, 65-74 and 75 and over).
- 2) Minimum Rates. To establish a minimum use rate for each age group, the calculated health service area use rate for each age group is multiplied by .6 (60%).

f) Maximum Use Rate:

In order to prevent the over-development of beds in a planning area, a ceiling on the use rate for each health service area is established.

- 1) Calculation of HSA use rates. In order to evaluate a planning area's use rate it is necessary to determine the overall health service area use rates by age group (0-64, 65-74 and 75 and over).
- 2) Maximum rates. To establish a maximum use rate for each age group, the calculated health service area use rate for each age group is multiplied by 1.6 (160%).

fg) Formula or Planned Use Rate:

- 1) Each planning area's experienced use rate is then calculated for each of the age groups by dividing the total number of patient days attributed to an age group (in all area facilities) by the current planning area population within the same age group (expressed in thousands).
- 2) The experienced use rates established by planning area, the health service area maximum use rates (by age group) and the health service area minimum use rates (by age group) are multiplied by the projected age group populations for the planning area.
- 3) The results of both the "experienced use rate calculations" and the "health service area minimum and maximum use rate calculations", are calculated and compared.

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~~Between the minimum and experienced use rate calculations the approach which yields the higher projected "day"-total shall be utilized in the projection of "beds-needed"-with the use rate figures utilized, reflected as the "formula-or-planned"-use-rate. The experienced use rate is utilized in the formula if it is between the minimum and maximum totals. If the experienced use rate exceeds the maximum the maximum rate is utilized. If it falls below the minimum the minimum use rate is utilized in the need projection.~~

gh) Bed Capacity: General Long-Term care bed capacity is the licensed bed capacity for the service.

hi) Total Bed Need for General Long-Term Care is determined by:

- 1) Multiplying the formula or planned use rate for each age group by the planning area's projected population (in thousands) for each age group to obtain the projected or planned patient days for each age group for that area;
- 2) The three age group projections are summed to reflect "total area projected patient days";
- 3) Dividing the projected patient days by 365 (days) to obtain the projected average daily census;
- 4) Dividing the projected average daily census by the 90% occupancy factor to obtain the total number of beds needed; and
- 5) Subtracting the number of existing beds in the area from the total number of beds needed to see if additional beds are needed in the area or if an excess number of beds exist.

(Source: Amended at 13 Ill. Reg. , effective)

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1) Heading of the Part:

Processing, Classification Policies and Review Criteria

2) Code Citation:

77 Ill. Adm. Code 1110

3) Section Numbers:

1110.30
1110.40
1110.50
1110.220
1110.720
1110.1320
1110.1320
1110.1320
1110.1730
1110.2220
1110.2230
1110.2330

Proposed Action:

Amendments
Amendments
Added
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments

4) Statutory Authority:

Illinois Health Facilities Planning Act
Ill. Rev. Stat. 1987, Ch. 111 1/2, par. 1151 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Proposed changes consist of the following:

- 1110.30 - Section revised to change requirements on when inventory bed need figures are applicable.
- 1110.40 - Correction of numbering which occurred in April 1987. Also, conversion of all major medical equipment reviews and ICF/DD projects to a non-substantive level. This will standardize review on these services which now vary due to type of applicant or facility size.
- 1110.50 - A new section which establishes a general policy on "grandfathering" of services.
- 1110.220 - Elimination of all definitions and references to categories of service not specifically addressed in rulemaking. Repealed federal standards required review of these services. The Board has elected not to review for

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establishment since in the 13 year history of the program no project has even been submitted under these regulations. Reviews will be required if project costs exceed capital review thresholds.

- 1110.720 - Definition amended to add a length-of-stay reference in order to better distinguish acute units from chronic.
- 1110.1320 - Definition of cardiac catheterization amended to indicate that the service will not apply to diagnostic catheterization only therapeutic procedures. The focus on this service has been amended to address the growing use of both diagnostic and therapeutic procedures. Diagnostic procedures are considered state of the art while new uses of therapeutic catheterization are being developed. The focus is limited to therapeutic use due to the complexity of the service and the support services required.
- 1110.1330 - Revisions reflect the revised focus of the service on therapeutic procedures.
- 1110.1730 - Deletion of section on Agency Plans due to elimination of federal requirements.
- 1110.2220 - The Board is revising its definition to create two categories in order to review all equipment conversions for kidney and gall stone lithotripsy based on technical advances.
- 1110.2230 - Revised review criteria to address the changes in the lithotripsy service categories.
- 1110.2330 - Elimination of grandfather provision. Replaced by new 1110.50.
- There is no economic effect anticipated through this rulemaking. The Department anticipates that this rulemaking will become effective six to nine months from the date of publication as proposed in the Illinois Register.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?
Yes ☐ No ☒ X
- 7) Does this Rulemaking contain an Automatic Repeal Date? Yes ☐ No ☒ X
If "yes," please specify the date: _____
- 8) Does this Rulemaking Contain Any Incorporations By Reference? _____

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Yes ☐ No ☒If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

Please specify:

The development of a Certificate of Need program which is effective in controlling health care costs through the review of capital and service projects. The proposed modification will have no impact on local government as the rules only modify existing coverage standards.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

A public hearing on the proposed regulations will be held on Thursday, May 18, 1989 at 1:30 p.m. in the Office of Health Policy and Planning, 525 West Jefferson, Second Floor, Springfield, Illinois 62761.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of

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the Department of Commerce and Community Affairs:

April 6, 1989

B) Type of Small Businesses Affected:

Nursing homes.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110
PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA
SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section
1110.10 Introduction to Part 1110
1110.20 Projects Required to Obtain a Permit
1110.30 Processing and Reviewing Applications
1110.40 Classification of Projects
1110.50 Recognition of Preexisting Services

SUBPART B: REVIEW CRITERIA--DISCONTINUATION

Section
1110.110 Introduction
1110.120 Discontinuation--Definition
1110.130 Discontinuation--Review Criteria

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL
PROJECTS OTHER THAN DISCONTINUATION

Section
1110.210 Introduction
1110.220 Definitions--General Review Criteria
1110.230 General Review Criteria

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING
ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE
IN BED CAPACITY

Section
1110.310 Introduction
1110.320 Bed Related Review Criteria

SUBPART E: MODERNIZATION REVIEW CRITERIA

Section
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AUTHORITY: Implementing and authorized by The Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1987, ch. 111 1-2, pars. 1151 et seq.).

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg., p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 19, 1988; amended at 13 Ill. Reg. , effective ,

NOTE: Capitalization denotes statutory language or paraphrase thereof.

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section 1110.30 Processing and Reviewing Applications

- a) The procedures for processing all applications for permit are specified in 77 Ill. Adm. Code 1160 (Processing an Application for Permit and Validity of Permits).
- b) All applications will be reviewed and evaluated on an individual basis in order to determine compliance with all applicable general review criteria and applicable specific review criteria which relate to the scope of the proposed project. The State-Board shall state its basis for any decision on an application in accordance with conformity or nonconformity with the applicable review criteria.
- c) This Subchapter is to be revised at least annually. Applications for permit for establishment, construction and/or modification shall be reviewed under the Edition of this Subchapter in effect at the time that such applications are received by the State Agency. These provisions do not apply to the need figures

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established in the inventory appendices to this Part.

- d) ~~If the bed-need-figures-for-a-service-or-planning-area-change subsequent-to-an-application-being-declared-complete-and-prepare-to Board-action-because-of-updating-the-inventory-the-figures-which indicate-the-largest-additional-bed-need-or-smallest-excess-beds situation-shall-be-used-as-the-standard-for-review-Applications for permit which involve the establishment, addition or reduction of beds shall be subject to the need figures set forth in the update to the inventory for the month prior to any State Board action. "State Board action" for the purposes of this subsection is defined as any of the following: the approval, issuance of a notice of intent-to-deny or denial of an application by the State Board.~~

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1110.40 Classification of Projects

When an application for permit has been received by the Agency, the Executive Secretary shall classify the project into one of the following classifications:

- a) Substantive Review Classification

Projects subject to substantive review are those construction, modification or equipment projects (either in total or in part) for proposed or existing facilities or equipment that provide or intend to provide categories of service (as delineated in Sections of this Subchapter). All projects of existing or proposed facilities subject to review under this Subchapter shall be classified "substantive" unless they are found to be "non-substantive" or "emergency" projects as delineated in Subsection (b) or (c), below;

- b) Emergency Classification.

- 1) Emergency projects are subject to the review process and are those construction or modification projects which are necessary because there exists one or more of the following conditions:

- A) An imminent threat to the structural integrity of the building; and/or
 - B) An imminent threat to the safe operation and functioning of the mechanical, electrical, or comparable systems of the building.
- 2) Since the State Board recognizes that applications for

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"Emergency" projects must be processed as expeditiously as possible, all applications will be reviewed in accordance with the following review criteria:

- A) That the project is indeed, an "Emergency" project as defined in Subsections (b)(1)(A) and (B) above; and
- B) That failure to proceed immediately with the project would result in closure or impairment of the inpatient operation of the facility; and
- C) That the "Emergency" conditions did not exist longer than 30 days prior to requesting the "Emergency" classification.

c) Non-Substantive Review Classification.

Non-substantive projects are those establishment, construction, modification or equipment projects in total which have the following characteristics:

- 1) Energy Conservation
 - A) Projects for "Energy Conservation", provided that:
 - i) The proposed project is seeking funding under P.L. 95-619, The National Energy Conservation Policy Act (42 U.S.C. 300 et seq.);
 - ii) The sole purpose and content of the proposed project is for "Energy Conservation"; and
 - iii) The proposed project has been recommended for funding by the Illinois Department of Energy and Natural Resources.
 - B) Such projects shall address and be reviewed under Review Criteria Sections 1110.230(f)(e), (f)(f), and (g)(g), and 1110.420(b).
- 2) Projects for modernization of an existing facility for the purposes of eliminating or preventing imminent safety hazards as defined by federal, State or local fire, building, or life safety codes or regulations; complying with State Licensure Standards; or complying with accreditation or certification standards which must be met to receive reimbursement under Title XVIII of the Social Security Act (42 U.S.C. 1395) or payments under a State plan

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for medical assistance approved under Title XIX of that Act (42 U.S.C. 1396). The State Board shall approve such projects providing that such projects meet the Review Criteria outlined in Sections 1110.230(f)(e), (g)(g), and (h)(i) and 1110.420(a), (b) and (c).

3) Children and Family Service Projects

- A) Projects for facilities licensed by the Illinois Department of Children and Family Services which are currently providing long-term care services and are seeking licensure by the Department of Public Health pursuant to the Nursing Home Care Reform Act of 1979, (Ill. Rev. Stat. 1987, ch. 111 1/2, pars 4151-101 et seq.), as now or hereafter amended, provided that:
 - i) There is not a capital expenditure in excess of the capital expenditure minimum;
 - ii) There is not a "Substantial Change In Bed Count";
 - iii) There is not a "Substantial Change In The Scope or Functional Operation of the Facility".
- B) Such projects shall address and be reviewed under all Review Criteria contained in Section 1110.230.

4) Discontinuation

- A) Projects for "Discontinuation" as defined in Section 1110.120, if:
 - i) The discontinuation does not create a need for additional beds in the planning area in which the facility is located; or
 - ii) The project is for the "Total Discontinuation" of a distinct unit of 5 beds or less.
- B) Such projects shall address and be reviewed under Review Criteria in Section 1110.130.
- 5) Projects solely for the Sheltered Care Category of Service.
 - Such projects shall address and be reviewed under all Review Criteria contained in Section 1110.230.
- 6) Change in Ownership

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- A) Projects involving a change in ownership; provided that:
- i) There is not a capital expenditure in excess of the capital expenditure minimum;
 - ii) There is not a "Substantial Increase in Bed Count";
 - iii) There is not a "Substantial Change in the Scope or Functional Operation of the Facility".
- B) Such projects shall address and be reviewed under all Review Criteria contained in Section 1110.230.

7) Projects for the acquisition of major medical equipment which will be utilized for the treatment of inpatients and ~~which is not by, through or in behalf of a health-care facility which do not establish a category of service.~~

Such projects shall address and be reviewed under all Review Criteria contained in Section 1110.230 and the appropriate category of service specific criteria.

8) Projects for the establishment of Intermediate Care Facilities For The Developmentally Disabled Of Fifteen (15) Beds Or Less.

Such projects shall address and be reviewed under the Review Criteria contained in Section 1110.230(a), (b) (d) (e), (f), (h)(c), (k), and (m)(i). In addition, the Review Criteria contained in Section 1110.320(a) and Section 1110.1830(b), (c) and (d) must also be addressed.

9) Projects for the establishment of the "Acute Care Beds Certified for Extended Care" Category of Service provided that, facilities proposing to establish this Category of Service meet the requirements of regulations for such usage as developed by the Health Care Financing Administration (42 CFR 405.471(1987)).

Such projects shall address and be reviewed under all Review Criteria contained in Section 1110.230.

10) Developmentally Disabled Licensure

- A) Projects for those facilities (currently licensed for "General Long-Term Care" but having a defined

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population of "Developmentally Disabled" residents) which have been mandated by the Department of Public Health to seek either total or "distinct-part" licensure as an Intermediate Care Facility for the Developmentally Disabled (ICF/DD) facility, provided that:

- i) There is not a capital expenditure in excess of the capital expenditure minimum;
 - ii) There is not a "Substantial Change In Bed Count";
- B) Such projects shall address and be reviewed under all Review Criteria contained in Section 1110.230.

11) Projects for the establishment of a new ESRD facility, the expansion of an existing facility or the relocation of an existing ESRD (End Stage Renal Disease) service from one physical site to another. Such projects shall address and be reviewed under all Review Criteria contained in Section 1110.230 and the appropriate category of service specific criteria.

12) Residential Units and Apartments

- A) Residential units and apartments (not classified as long-term care categories of service and not subject to licensure pursuant to the "Nursing Home Care Reform Act of 1979" as amended).
- B) Such projects shall address and be reviewed under all Review Criteria contained in Section 1110.230.

13) Projects which have all the following characteristics:

- A) Consist entirely of construction or modification in the following areas:

Review Criteria	Applicable Project Type	Applicable Project-Type Review Criteria
Parking Facilities;	Section 1110.230(k)(i) and (k)(e) and Subpart E	
Restaurants, cafeterias, snack bars and all other non-patient	Section 1110.230(k)(i) and (k)(e) and Subpart E	

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dining areas;

Chapels;

Telephone systems;

Administration and
volunteer offices;

Giftshops and
newsstands;

Auditoriums, student
housing and
classrooms;

Modernization of
structural components
(roof replacement,
masonry work, etc.);

Boiler repair or
replacement (does not
include Boiler plant);

Conversion of
inpatient beds from
an area of excess
beds to meet an
expressed bed need
provided that such
conversion does not
result in either the
establishment or
discontinuation of a
category of service;

Replacement of
equipment with
comparable equipment
to be utilized for a

Section
1110.230~~(k)~~(i),
~~(k)~~(e), and ~~(m)~~

Section
1110.230~~(f)~~(e),
~~(k)~~(i), and
~~(k)~~(f) and Subpart E

Sections 1110.230~~(f)~~
(e), ~~(k)~~(i), and
~~(k)~~(f) and Subpart E

Section 1110.230(f),
~~(k)~~(e), and ~~(k)~~(i)

Section 1110.230(f),
~~(k)~~(e) and ~~(k)~~(i)
and Subpart E

Section 1110.230(f),
~~(k)~~(i), ~~(k)~~(f) and
~~(k)~~(e) and Subpart E

Section 1110.230~~(f)~~
(e), ~~(k)~~(i),
~~(k)~~(f), and
~~(k)~~(g) and Subpart E

Section 1110.230~~(f)~~
(e), ~~(k)~~(i),
~~(k)~~(f), ~~(k)~~(k)
and 1110.320(e) and (f).

Section 1110.230~~(f)~~
(e), ~~(k)~~(i), and
~~(k)~~(f), Subpart E
and Category of service

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similar purpose;

Loading docks;

Capitalized projects
which are considered
basically maintenance
such as carpeting,
tile replacement or
furniture purchase;

Emergency
transportation
equipment;

Air conditioning;

Bridges, tunnels,
walkways, elevators
or any structure
designed to provide
access between or
through existing
buildings.

B) Projects will be evaluated only against the review
criteria identified as being applicable to the
specific non-substantive area.

C) Projects which include both substantive and
non-substantive components shall be classified
substantive for purposes of review.

D) The appeal of any classification is to the State Board
at the next scheduled State Board meeting.

14) Projects for the acquisition, expansion or replacement of
computer systems.

Such projects shall address and be reviewed under Section
1110.230~~(f)~~(e), ~~(k)~~(f), and ~~(k)~~(i) and Subpart E.

specific criteria for
modernization.

Section 1110.230~~(f)~~
(e), ~~(k)~~(i), and
~~(k)~~(f) and Subpart E

Section 1110.230~~(f)~~
(e), ~~(k)~~(i),
~~(k)~~(f), and ~~(k)~~
and Subpart E

Section 1110.230
~~(k)~~(i), and
~~(k)~~(e) and Subpart E

Section 1110.230~~(f)~~
(e), ~~(k)~~(i),
~~(k)~~(f), and
~~(k)~~(g) and Subpart E

Section 1110.230~~(f)~~
(e), ~~(k)~~(i),
~~(k)~~(f), and ~~(k)~~(g)
and Subpart E

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- 15) Projects whose sole purpose is for the provision of care and treatment of patients suffering from Acquired Immunodeficiency Syndrome (AIDS) or related disorders such as AIDS Related Complex (ARC). Such projects shall address and be reviewed under the Review Criteria contained in Sections 1110.230, 1110.320, and 1110.420.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1110.50 Recognition of Preexisting Services

a) Preexisting Services

Upon the expiration of thirty days following the effective date of this regulation, the Health Facilities Planning Board will no longer accept petitions from any facility seeking to prove that a particular service was in existence prior to Board regulation. As of that date, persons seeking recognition of a category of service must file an application for establishment unless a specific provision exists within this Section regarding the preexistence of particular category of service.

b) Service Specific Provisions

The Health Facilities Planning Board has established the following provisions:

- 1) Due to revisions in the licensure standards for Ambulatory Surgical Treatment Centers, recognition of pre-existing providers of the category of service can occur. Facilities shall be recognized as having the ambulatory surgery category of service if documentation is submitted demonstrating that:

- a) outpatient surgery had been performed at the project site prior to January 1, 1989; and
- b) the need to obtain a license as an ambulatory surgical treatment center was brought about due to revisions in licensure standards; and
- c) the facility was certified for Medicare reimbursement for ambulatory surgery as of January 1, 1989.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL PROJECTS
OTHER THAN DISCONTINUATION

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Section 1110.220 Definitions--General Review Criteria

- a) "Blood-Bank" means a category of service which provides for procurement, safekeeping and necessary pretransfusion procedures for blood and blood compounds.
- ba) "Board Certified or Board Eligible Physician" means a physician who has satisfactorily completed an examination (or is "eligible" to take such examination) in a medical specialty and has taken all of the specific training requirements for certification by a specialty board. For purposes of this definition, "medical specialty" shall mean a specific area of medical practice by health care professionals. A listing of specialty boards may be found in Appendix A of this Part.

- c) "Diagnostic Imaging" means a category of service using imaging procedures to diagnose a medical condition.

- d) "Emergency Services" means a category of service pertaining to the treatment of the injured, or those needing immediate medical or surgical care. The patients receiving these services will consist generally of outpatients who receive immediate physician, dentist or allied services on an unscheduled basis.

- eb) "Health Services" means diagnostic, treatment or rehabilitative services which are grouped, for purposes of review, into clinically related Categories of Service based upon level or type of support functions, equipment or treatment provided to patients/residents. Categories of Service, when established or discontinued, are subject to review regardless of cost.

- 1) Categories of Service when established, are subject to Application for Permit review regardless of project cost except for these Categories of Service as indicated by an asterisk in the following listing which are subject to review for the establishment only when the projected annual operating costs exceed the Annual Operating Cost Minimum as defined in 77 Ill. Adm. Code 1160.230.

	Acute Mental Illness;
	Substance Abuse;
*	Blood Bank;
	Burn Treatment;
	Cardiac Catheterization;
	Computer Systems;
*	Diagnostic Imaging;
*	Emergency Services;
	End Stage Renal Disease;

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- * Intensive-Care;
 - Laboratory;
 - Medical-Surgical
 - Non-Hospital-Based-Ambulatory-Surgery;
 - * Obstetric-Services;
 - Occupational-Therapy;
 - * Open-Heart-Surgery;
 - Outpatient-Ambulatory-Care;
 - Pediatric-Services;
 - Perinatal/High-Risk;
 - * Pharmacy;
 - * Physical-Therapy;
 - Radiation-Therapy;
 - Comprehensive-Physiat-Rehabilitation-Services;
 - * Respiratory-Therapy;
 - * Surgery;
 - General-Long-Term-Care;
 - Specialized-Long-Term-Care;
 - Acute-Care-Beds-Certified-For-Extended-Care;-and
 - Magnetic-Resonance;
 - High-Linea-Energy-Transfer-(H-L-E-T-T);
 - Positron-Emission-Tomographic-Scanning-(P-E-T-T);
 - Extracorporeal-Shock-Wave-Lithotripsy;-and
 - Extra-Renal-Organ-Transplantation.
- At projects-to-establish-these-services-shall-be-subject-to the-general-review-criteria-and-standards-for-all-projects and-general-modernization-standards-when-applicable-

"Laboratory"-means-a-category-of-service-which-assists-the-medical-staff-by-performing-paste-sterilized-laboratory-tests-including-but-not-limited-to--bacteriology--biochemistry--histology--serology--hematology-and-pathology.

c) "Level of Care" means a specific degree of, type of, or approach to patient/resident care within a defined category of service.

"Occupational Therapy" means a category of service for patient treatment based on utilization of activities calculated to encourage the physically or mentally disabled patient to contribute to his own recovery... treatment is supervised by an Occupational Therapist or Occupational Therapy Assistant... the program of therapy includes evaluation of patient's self-care, work and leisure time, task performance of patient as well as planning and implementing programs designed to restore, develop and/or maintain the patient's ability to satisfactorily accomplish daily tasks normal for his specific age and occupation.

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- 1) "Outpatient Ambulatory Care Services"--means a category of service pertaining to the provision of facilities and care for patients who do not require inpatient admission while receiving physical and/or allied services;
- 2) "Pharmacy"--means a category of service providing clinical service for the provision of drugs and medicines which are dispensed in a designated area--this service includes the repackaging for distribution to a nursing station or storage area;
- 3) "Physical Therapy"--means a category of service pertaining to the evaluation or treatment of a person by the use of the effective properties of physical measures and heat, light, sound, radiant energy, electricity, sound and air, and the use of therapeutic massage, therapeutic exercise and the rehabilitative procedures with or without assistive devices for the purposes of preventing, correcting, or alleviating a physical or mental disability--physical therapy does not include radiology or electrosurgery--physical therapy does not include physical diagnosis, (the Illinois Physical Therapy License Act, Ill. Rev. Stat., 1987, ch. 115, par. 4201.1)---physical therapy includes, but is not limited to,
 - 1) PERFORMANCE OF SPECIALIZED TESTS AND MEASUREMENTS;
 - 2) ADMINISTRATION OF SPECIALIZED TREATMENT PROCEDURES;
 - 3) INTERPRETATION OF REFERRALS FROM PHYSICIANS, AND DENTISTS AND PODIATRISTS;
 - 4) ESTABLISHMENT AND MODIFICATION OF PHYSICAL THERAPY TREATMENT PROGRAMS, AND
 - 5) ADMINISTRATION OF TOPICAL MEDICATION USED IN GENERALLY ACCEPTED PHYSICAL THERAPY PROCEDURES WHEN SUCH MEDICATION IS PRESCRIBED BY THE PATIENT'S PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL ITS BRANCHES--THE PATIENT'S PHYSICIAN LICENSED TO PRACTICE PODIATRIC MEDICINE, OR THE PATIENT'S DENTIST, AND
 - 6) SUPERVISION OR TEACHING OF PHYSICAL THERAPY.
- 4) "Respiratory Therapy"--means a category of service pertaining to the administration of respiratory care by trained technicians under the supervision of a physical and/or trained technician--ventilatory therapy, capnography, laboratory rehabilitation, microenvironmental control, and diagnostic testing or the respiratory system;

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md) "Surgery" means ~~excluding all specific surgical categories of service defined in this Subchapter~~ a category of service pertaining to the performance of any type of surgical operation(s). Surgical areas include but are not limited to:

- 1) Operating Rooms;
- 2) Nurses Station;
- 3) Nurses' Lockers and Lounge;
- 4) Doctor's Lockers and Lounge;
- 5) Scrub Areas;
- 6) General Storage Space;
- 7) Linen Storage Area;
- 8) Circulation Space;
- 9) Patient Holding Area; and
- 10) Recovery.

ne) "Distinct Unit" means a physically distinct area comprising all beds served by a nursing station in which a particular category of service is provided and which utilizes a nursing staff assigned exclusively to the distinct area.

o) "HSP" means a health systems plan developed by a recognized local health planning agency.

p) "AIP" means the annual implementation plan developed by a recognized local health planning agency in order to implement agency goals and objectives.

qf) "DRG" means diagnostic related groups utilized in the Medicare program for health care reimbursement.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE MENTAL ILLNESS

Section 1110.720 Acute Mental Illness--Definitions

- a) "Acute Mental Illness" means a crisis state or an acute phase of one of more specific psychiatric disorder in which a person displays one or more specific psychiatric symptoms of such severity as to prohibit effective functioning in any community setting. Persons who are acutely mentally ill may be admitted to an acute mental illness facility or unit under the provisions of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 19873, ch. 91 1/2, pars. 1-100 et seq.) which determines the specific requirements for admission by age and type of admission.

b)

"Acute Mental Illness Facility or Unit" means a facility or a distinct part of a unit in a facility which provides a program of acute mental illness treatment service (as defined below) and which is designed, equipped, organized, and operated to deliver inpatient and supportive acute mental illness treatment services; and which is licensed by the Department of Public Health under the Hospital Licensing Act (Ill. Rev. Stat. 19873, ch. 121 1/2, pars. 142 et seq.) or is a facility operated or maintained by the State or a state agency.

c)

"Acute Mental Illness Treatment Service" means a category of service which provides a program of care for those persons suffering from acute mental illness. Such services are provided in a highly structured setting in a distinct psychiatric unit of a general hospital, in a private psychiatric hospital, or in a state-operated facility, to individuals who are severely mentally ill and in a state of acute crisis, in an effort to stabilize the individual and either effect his quick placement in a less restrictive setting or to reach a determination that extended treatment is needed. Acute mental illness is typified by an average length of stay of 45 days or less for adults and 60 days or less for children and adolescents.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA--CARDIAC CATHETERIZATION

Section 1110.1320 Cardiac Catheterization--Definitions

- a) "Cardiac Catheterization" means the cardiac catheterization of patients 15 years of age and older.

- b) "Cardiac Catheterization Category of Service" means for the purposes of this Subpart the performance of cardiac catheterization procedures for therapeutic purposes which due to safety and quality considerations are preferably performed within a cardiac catheterization laboratory or special procedure room. Procedures which do not require the use of such specialized settings such as: pericardiocentesis, myocardial biopsy, cardiac pacemaker insertion or replacement, right heart catheterization with a flow directed catheter (e.g., Swan-Ganz catheter), intra-aortic balloon pump assistance with intra-aortic balloon catheter placement, certain types of electrophysiology, aortic pressure or blood gas monitoring, fluoroscopy, and cardiac ultrasound are not recognized as procedures which under this Subchapter would in and of themselves qualify a facility as having a cardiac catheterization category of service. Cardiac catheterization procedures which are performed for diagnostic

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purposes are excluded and shall be considered a component of diagnostic imaging.

- c) "Dedicated Cardiac Catheterization Laboratory" means a distinct laboratory which is staffed, equipped and operated solely for the provision of cardiac catheterization.
- d) "Examination" is defined as all cardiac diagnostic procedures (angiographic and physiologic studies) performed on a patient during one session in the laboratory.
- e) "Pediatric Catheterization" means the cardiac catheterization of patients below the age of 15.
- f) "Special Procedures Laboratory with a Cardiac Catheterization Service" means a laboratory which has the equipment, staff, and support services required to provide cardiac catheterization and in which catheterizations are routinely performed. The laboratory is also utilized for other procedures not directly related to cardiac catheterization.
- g) "Therapeutic Cardiac Catheterization" means the use of cardiac catheterization to provide treatment for a physical condition of a patient. Such treatment may include surgical repair or removal of obstructions within the artery, vein or heart.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1110.1330 Cardiac Catheterization--Review Criteria

a) "Peer Review" - Review Criteria

Any applicant proposing the establishment or modernization of a cardiac catheterization unit service shall detail in its application for permit the mechanism for adequate peer review of the program. Peer review teams will evaluate the quality of studies and related morbidity and mortality of patients and also the technical aspects of providing the services such as film processing, equipment maintenance, etc.

b) "Establishment or Expansion of Cardiac Catheterization Service" - Review Criteria

There shall be no additional adult or pediatric catheterization categories of service started in a health planning area unless any facility proposing the expansion of a cardiac catheterization service must have met or exceeded the utilization standards for open heart surgery during the last year of operation

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as outlined in 77 Ill. Adm. Code 1100.610.

- 1) the standards as outlined in 77 Ill. Adm. Code 1100.620 are met, unless
 - 2) in the circumstances where area programs have failed to meet these targets, the applicant can document his service at referral volume in each of the prior three years for cardiac catheterization in excess of 400 annual procedures (e.g., certification of the number of patients transferred to other service providers in each of the last three years).
- c) "Unnecessary Duplication of Services Establishment of Cardiac Catheterization Service" - Review Criteria
- 1) Any application proposing to establish cardiac catheterization services must indicate if it will reduce the volume of existing facilities below 200 catheterizations.
 - 2) Any applicant proposing the establishment of cardiac catheterization services must contact all facilities currently providing the service within the planning area in which the applicant facility is located, to determine the impact the project will have on the patient volume at existing services.

Any applicant proposing to establish a cardiac catheterization category of service must document that an open heart surgery program exists within the institution or that both cardiac catheterization and open heart surgery services are proposed in the project.

d) "Modernization of Existing Cardiac Catheterization Equipment and Service Availability" - Review Criteria

No proposed project for the modernization of existing equipment providing cardiac catheterization services will be approved unless the applicant documents that the minimum utilization standards (as outlined in 77 Ill. Adm. Code 1100.620) are met.

The equipment and services required to perform a repeat angiography and if needed a repeat angioplasty, must be available 24 hours a day. The applicant must provide a plan as to how such services will be provided.

e) "Support Services" - Review Criteria

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- 1) Any applicant proposing the establishment of a dedicated cardiac catheterization category of service laboratory must document the availability of the following support services;
- A) Nuclear medicine laboratory.
 - B) Echocardiography service.
 - C) Electrocardiography laboratory and services, including stress testing and continuous cardiogram monitoring.
 - D) Pulmonary Function unit.
 - E) Blood bank.
 - F) Hematology laboratory-coagulation laboratory.
 - G) Microbiology laboratory.
 - H) Blood Gas laboratory.
 - I) Clinical pathology laboratory with facilities for blood chemistry.

- 2) These support services need not be in operation on a 24 hour basis but must be available when needed.

f) "Laboratory Location Cardiac Catheterization Laboratory" - Review Criteria

Due to safety considerations in the event of technical breakdown it is preferable to group laboratory facilities. Thus in projects proposing to establish additional catheterization laboratories such units must be located in close proximity to existing laboratories unless such location is architecturally infeasible. A cardiac catheterization category of service can be established only when all therapeutic procedures are performed or will be performed in a dedicated cardiac catheterization laboratory.

g) "Staffing" - Review Criteria

It is the policy of the State Board that if cardiac catheterization services are to be offered that a cardiac catheterization laboratory team be established. Any applicant proposing to establish such a laboratory must document that the following personnel will be available:

- 1) Lab director board-certified in internal medicine, pediatrics or radiology with subspecialty training in cardiology or cardiovascular radiology.
- 2) A physician with training in cardiology and/or radiology present during examination with extra physician backup personnel available.

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- 3) Nurse specially trained in critical care of cardiac patients, knowledge of cardiovascular medication, and understanding of catheterization equipment.
 - 4) Radiologic technologist highly skilled in conventional radiographic techniques and angiographic principles, knowledgeable in every aspect of catheterization instrumentation, and with thorough knowledge of the anatomy and physiology of the cardiovascular system.
 - 5) Cardiopulmonary technician for patient observation, handling blood samples and performing blood gas evaluation calculations.
 - 6) Monitoring and recording technician for monitoring physiologic data and alerting physician to any changes.
 - 7) Electronic radiologic repair technician to perform systematic tests and routine maintenance; must be immediately available in the event of equipment failure during a procedure.
 - 8) Darkroom technician well trained in photographic processing and in the operation of automatic processors used for both sheet and cine film.
- h) "Continuity of Care" - Review Criteria
- Any applicant proposing the establishment, expansion or modification of a cardiac catheterization service must document that written transfer agreements have been established with facilities with open heart surgery capabilities for the transfer of seriously ill patients for continuity of care.
- i) "Multi-Institutional Variance" - Review Criteria
- 1) A variance to the establishment requirements of 110-130(b) - "Establishment or Expansion of Cardiac Catheterization Service" shall be granted if the applicant can demonstrate that the proposed new program is necessary to alleviate excessively high demands on an existing operating program's capacity.
 - 2) Each of the following must be documented:
 - A) That the proposed unit will be affiliated with the existing operating program. This must be documented by written referral agreements between the

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facilities, and documentation of shared medical staff;

B) That the existing operating program provides open heart surgery;

C) That initiation of a new program at the proposed site is more cost effective, based upon a comparison of charges, than expansion of the existing operating program;

D) That the existing operating program currently operates at a level of more than 750 procedures annually per laboratory; and

E) That the proposed unit will operate at the minimum utilization target occupancy and that such unit will not reduce utilization in existing programs below target occupancy (e.g., certification of the number of patients transferred to other service providers in each of the last three years and market studies developed by the applicant indicating the number of potential catheterization patients in the area served by the applicant);

3) The existing operating program cannot utilize its volume of patient procedures to justify a second affiliation agreement until such time as the operating program is again operating at 750 procedures annually per laboratory and the affiliate is operating at 400 procedures per laboratory.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL LONG-TERM CARE

Section 1110.1730 General Long-Term Care--Review Criteria

a) "Facility Size" - Review Criteria

No application for permit for construction of an new facility or for addition of beds will be approved if such project will result in a total general long-term care bed count in excess of 250 beds, unless the applicant can document that such facility would provide personalization of patient care and document evidence of quality care based on the experience of the applicant and compliance with the Agency's licensing standards ("Long-Term Care Facilities Minimum Standards, Rules and Regulations" of the Illinois Department of Public Health) over a two year period of time.

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b) "Community Related Functions" - Review Criteria

In addition to fulfilling the purpose for which the permit is sought, a proposed project should must indicate the extent to which each of the following will be met:

1) The provision of alternative, programmatic approaches to health facility institutionalization for the service or planning area's population, such as, but not limited to:

- A) housing for the elderly;
- B) day care centers;
- C) outpatient or neighborhood health centers;
- D) meals on wheels or nutrition programs; and/or
- E) home health or other related programs.

2) Cooperation with and the receipt of the endorsement of community groups such as, but not limited to:

- A) social, economic or governmental organizations; and/or
- B) other concerned parties or groups.

c) "Variances to Computed Bed Need" - Review Criteria

The following variances are recognized by the State Board as a basis for granting approval to a project that is not in accord with computed bed need as determined by the Agency for General Long-Term Care:

1) The "Defined Population" Variance.

A) The proposed project must involve an existing or proposed new facility that has documented that it will be servicing a defined population group of a religious, fraternal or ethnic nature from throughout the entire health service area or from a larger geographic area. In addition to the previous requirements, the proposed project must provide documentation of the following: That the services provided by the proposed project are such that:

- i) the services do not exist in the health service area where the facility is or will be located; and/or
- ii) cannot be instituted at existing facilities within the health service area in sufficient number to accommodate the group's needs.

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B) That the proposed number of beds is justified by providing documentation that the proposed project will achieve, within the first year of operation, an occupancy of 90% and that at least 85% of the residents needing the facility's services are members of the defined population group.

C) That the proposed project is either directly owned, sponsored or affiliated with the religious, fraternal or ethnic group that has been defined as the population to be served by the project. Such documentation should include any legally-binding documents which would prove ownership, sponsorship or affiliation.

D) Documentation must be provided that there are an available number of patients/residents needing the facility's services and that the facility will include beds in both the Nursing Care Category of Service and either the Sheltered Care Category of Service or residential living arrangements which are not licensed by the Agency.

2) "Accessibility" Variance.

A) Entitlement to this variance is dependent on the proposed project's documentation that the proposed project will be providing a long-term care category of service which is not readily accessible to the general population of the given planning area. Factors affecting accessibility include, but are not limited to:

- i) The lack of beds within a specific category of service; and/or
- ii) Denominational, fraternal or ethnic admission restrictions; and/or
- iii) Limitations on the number of public aid residents/patients; and/or
- iv) Restrictive admission policies by facilities currently existing in the area.

B) In addition to the above, the proposed project must provide documentation that the proposed number of beds is justified and that the proposed project will

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achieve, within the first year of operation, an occupancy of 90% and that there are an available number of patients/residents needing the facility's services to meet this occupancy level.

C) Any acute care facility proposing to convert beds from an acute care service to long-term care beds, must document at least one of the following:

- i) That the facility is having trouble placing patients in long-term care facilities in the planning area due to a shortage of long-term care beds in the planning area or a shortage of medicare certified beds in the area in which patients can be placed; and/or
- ii) That there exists in the facility a caseload of "DRG extended stay" patients that cannot be treated without the establishment of a long-term care unit and the facility must document that the number of "DRG extended stay" patients in the facility (for the latest 12 month period for which data is available) is sufficient to justify the establishment of a long-term care unit and the number of beds proposed; and/or
- iii) That the facility can document that there are a sufficient number of patients with certain medical conditions (that cannot be appropriately moved to a setting outside of a hospital without risk to their lives), to justify the establishment of a long-term care unit and the number of beds being proposed.
- iv) Documentation shall include: a summary of patient diagnosis and condition at the time of long-term care placement; a statement as to the number of patients who have been maintained in the hospital beyond DRG reimbursement limitations (see 42 CFR 223(1982)); statements by physicians as to the need to maintain DRG extended stay patients in a hospital rather than a nursing home setting; and waiting lists in existing skilled long-term care providers.
- v) A positive evaluation on this criterion shall be granted when the potential number of patients documented by the applicant is reviewed against

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the proposed number of beds to determine if a 90% occupancy target can be maintained. Also, the hospital must prove that patients are too severely ill to be discharged to LTC providers.

3) "Continuum of Care" Variance.

- A) The proposed project must be a component part of an over-all master plan which will provide a "continuum of care" for a geriatric population which includes independent living and/or congregate housing (such as retirement apartments, highrises for the elderly, and retirement villages) and related health and social services. Such a proposal must be for the purposes of and serve only the residents of the housing complex and may be developed in on the two following ways:

- i) The proposal may be developed after the housing complex has been established; or
- ii) The proposal may be developed as a part of a total housing construction program, provided that, documentation is provided that the entire complex is one inseparable project and that there is a documented demand for the housing and that the licensed beds will not be built first, but will be built concurrent with or after the residential units.

- B) In addition to the above, the proposed project must provide documentation of the following:

- i) That the proposed number of beds is justified by providing documentation that there are an available number of patients/residents needing the facility's services. The proposed number of beds may not exceed one licensed long-term care bed for every four apartments or independent living units; and
- ii) That the proposed general long-term care facility will include beds in both the Nursing Category of Service and the Sheltered Care Category of Service in a ratio not to exceed 2 Nursing Care beds to every Sheltered Care bed; and
- iii) That the proposed project will make or has made

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provision in its written policies of operation that if a resident of the retirement community is transferred to the long-term care unit, that the resident will not lose his or her apartment unit or be transferred to another long-term care facility solely because of the resident's altered financial status or medical indigency.

d) Agency-Plans

- 1) "Relationship-of-a-Proposal-for-the-Addition-of-Beds (Nursing-Category-of-Service-Only)-to-Plans-of-Other Agencies-of-the-State"---Review-Criteria
- 2) Any-proposed-project-for-the-addition-of-beds-involving-the Nursing-Category-of-Service-(Skilled-and/or-Intermediate levels-of-care)-must-address-the-relationship-of-the proposed-project-to-the-plans-of-other-agencies-of-the State-responsible-for-providing-and-financing-long-term care-services.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRACORPOREAL SHOCK WAVE LITHOTRIPSY

Section 1110.2220 Extracorporeal Shock Wave Lithotripsy--Definitions

"Extracorporeal Shock Wave Gall Stone Lithotripsy" means a category of service which utilizes shock waves induced from outside the body to destroy gall stones.

"Extracorporeal Shock Wave Kidney Lithotripsy" means a category of service which utilizes shock waves induced from outside the body to destroy kidney (or other) stones.

"Extracorporeal Shock Wave Lithotripters" are those pieces of equipment which exert high pressure on kidney (or other) stones by means of shock waves, introduced from outside of the body, so that the stones crumble into sand-grain-sized particles.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1110.2230 Extracorporeal Shock Wave Lithotripsy--Review Criteria

- a) Initial Introduction of Equipment--Review Criteria
 - 1) It is determined that approximately 5,000 candidates for

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kidney stone extracorporeal shock wave lithotripsy would occur annually.

- 2) The Illinois Health Facilities Planning Board has determined that six pieces of equipment designed to treat kidney stones are sufficient to meet the needs of the Illinois population.
- 3) The Illinois Health Facilities Planning Board has determined that in the case of gall stone extracorporeal shock wave lithotripsy, only one piece of equipment is needed at this time in order to study the effectiveness of this treatment modality to meet the needs of the Illinois population.

b) Location--Review Criterion

Due to the large population needed to generate sufficient kidney stone caseload for machine efficiency, it is essential that proposed locations for kidney stone lithotripsy be geographically accessible to a population group of at least 2 million persons. In order to achieve accessibility, four machines shall be located in the Chicago S.M.S.A. (within the Chicago City limits) and two downstate in locations which will serve a population of 2 million persons who currently are unserved by existing equipment. An "unserved" population shall be considered those individuals who reside outside the primary market area of existing kidney lithotripter services.

c) Multi-Institutional Systems--Review Criterion

Due to the large primary markets for equipment for both kidney stone and gall stone lithotripsy of this type services, it is essential that no restrictions on access be established by the applicant. The applicant proposing to acquire a kidney lithotripter must:

- 1) contact those facilities within its primary market (a geographic area reflecting at least 80 percent of all hospital admissions utilizing the equipment) in an effort to establish formal referral agreements. If such a system cannot be accomplished the applicant must indicate why a multi-institutional system cannot be established; and
- 2) contact those facilities which are located within the estimated primary market area of the innovative equipment indicating the availability of the equipment and a contact person to discuss patient admission for the service; and

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- 3) - indicate in writing to the State Agency: admission policies for the service, procedures for acceptance of referrals, and a statement insuring that no restrictive admission policies will be established.

d) Staffing-Review Criterion

The applicant must document the number, type and professional qualifications of all personnel involved with the operation of the equipment. Also, the applicant must document the availability of surgical support for the removal of stones and organ repair.

e) Data Collection--Review Criterion

- 1) The State Agency shall collect data from all available sources for purposes of studying the efficacy of this equipment.
- 2) The applicant must document that it will provide utilization data, clinical data, and reports of clinical efficacy in comparison to other forms of treatment. The applicant must also document that it will provide a representative from the institution as a liaison to the State Board for purposes of annual data collection. A letter stating that, if approved, the applicant will participate by providing the required data and representative, will constitute sufficient documentation.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA - EXTRA-RENAL ORGAN TRANSPLANTATION

Section 1110.2330 Extra-Renal Organ Transplantation--Review Criteria

a) Establishment of a Program - Review Criteria

- 1) Any applicant proposing establishment of the extra-renal category of organ transplantation category of service must document the following:
 - A) the applicant facility is a teaching institution; and
 - B) the transplantation program will be performed in conjunction with graduate medical education.
- 2) Documentation shall consist of a written agreement between the applicant and the medical school detailing the

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relationship of the transplantation program to graduate medical education initiatives; and compliance with the medical education general review criterion.

- b) Establishment of Extra-Renal-Organ-Transplantation-Inventories
 To accurately compile an inventory of providers of extra-renal organ transplantation services, the following conditions are established relative to the grandfathering of providers into the extra-renal organ transplantation category of service. Facilities shall be recognized as having the extra-renal organ transplantation category of service if documentation can be provided demonstrating that:

- 1) a surgical transplantation procedure of the human heart, lung, heart-lung, liver or pancreas has been performed between January 1, 1986, and the date of public notification of the rule (September 30, 1987); and
- 2) the facility is a member in good standing of the National Organ Procurement and Transplantation Network.

e) Physical Facilities - Review Criteria

Any applicant proposing establishment of the extra-renal organ transplantation category of service must have available sufficient operating and recovery room resources, intensive care resources and personnel to operate the transplant program as reflected in the norms found in Appendix B of Part 1110.

dc) Access to Donor Organs - Review Criteria

Transplant programs must have access to donor organs. This must be accomplished by membership in the National Organ Procurement and Transplantation Network and in a Regional Organ Procurement Agency.

ed) Recipient Selection - Review Criteria

Any applicant proposing establishment of the extra-renal organ transplantation category of service must provide a copy of its procedures for selecting transplant candidates and distribution of organs.

fe) Surgical Staff - Review Criteria

Any applicant proposing organ transplantation must document that the facility has on staff transplant surgeon(s) appropriately

certified in the applicable specialty and that each has had a minimum of one year of training and experience in transplant surgery, post-operative care, long-term management of organ recipients and the immunosuppressive management of transplant recipients. Documentation shall consist of certification by the hospital administrator that the personnel with the appropriate certification and experience are on the hospital staff.

gf) Collaborative Support - Review Criteria

A transplant program must show evidence of collaborative involvement with experts in the fields of hepatology, cardiology, pediatrics, infectious disease, nephrology with dialysis capability, pulmonary medicine with respiratory therapy support, pathology, immunology, anesthesiology, physical therapy, and rehabilitation medicine. Documentation of collaborative involvement shall include, but not be limited to, a plan of operation detailing the interaction of the transplant program and the stated specialty areas.

hg) Ancillary Services - Review Criteria

A transplantation program must have onsite access to microbiology, clinical chemistry, radiology, blood bank and facilities required to monitoring immunosuppressive drugs. The facility must also have access to tissue typing services and be able to provide psychiatric and social counseling for the transplant recipient and for their families.

ih) Data - Review Criteria

Any applicant for the extra-renal organ transplantation category of service must state that information on finances (cost and charges) and on graft and patient outcomes will be provided to the Department of Public Health including the National Organ Procurement and Transplantation Network and the Experimental Organ Transplantation Procedure Board.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of Parts: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.430
Proposed Action:
 New Section
- 4) Statutory Authority: Sections 2-104(b), 3-412, 3-611, 3-806, 3-808, 3-815, and 5-202 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-104(b), 3-412, 3-611, 3-806, 3-808, 3-815, and 5-202), Chapter 8 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 8-101 et seq.), Section 12-606 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 12-606), and Section 13-101 of the Illinois Vehicle Inspection Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 13-101).
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes a new plate category for public transportation vehicles. It also sets forth the special designations used on license plates for vehicles which transport persons for compensation (i.e. taxicabs, commuter vans, livery vehicles, school buses, ambulances, medical carrier vehicles, and rescue vehicles) and tow trucks. The rulemaking tells someone who wishes to obtain a license plate in one of the above mentioned categories what the requirements are before the license plates will be issued.
- 6) Will this proposed rule replace an emergency rule currently in effect?
 No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on the part? Yes

Section Number	Proposed Action	Illinois Register Citation
1010.240	Amendment	13 Ill. Reg. 1103 (January 27, 1989)

- 10) Statement of Statewide Policy Objectives: We have two objectives in proposing this rulemaking. One is to make it easier for law enforcement to identify the vehicles and the second is to make it easier to monitor the insurance requirements that are statutorily required.

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:
- Robert Powers
 Assistant Counsel to the Secretary
 Centennial Building, Room 298
 Springfield, Illinois 62756
 (217) 785-3094
- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rulemaking has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10

Owner--Application of Term

SUBPART B: TITLES

Section
1010.110

Salvage Certificate-Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate-Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards

1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors

SUBPART C: REGISTRATION

Section

1010.210 Application for Registration
1010.220 Vehicles Subject to Registration - Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section

1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

1010.410 Temporary Registration - Individual Transactions
1010.420 Temporary Permit Pending Registration in Illinois
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks

1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.460 Special Plates for Members of the United States Armed Forces Reserves

1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section

1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section

1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section

1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registered Vehicles
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles
1010.755 Mileage Tax Plates
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760 Transfer for "For-Hire" Loads
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

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APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1985, ch. 95½, pars. 3-100 et seq. and 2-104(b)).

SOURCE: Filed and effective December 15, 1970; Emergency rule at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency rule at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. _____, effective _____.

Section 1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks

- a) For purposes of this Section, the following definitions shall apply:

"Ambulance" - any publicly or privately owned vehicle which is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless as provided in Section 1-102.01 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-102.01).

"Bus" - every motor vehicle, other than a commuter van, designed for carrying more than 10 persons as provided in Section 1-107 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-107).

"Commercial Vehicle" - any vehicle operated for the

transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially as provided in Section 1-114 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-114).

"Commuter Van" - a motor vehicle designed for the transportation of not less than 7 nor more than 16 passengers, which is: (1) used in a ridesharing arrangement; or (2) owned or leased by or on behalf of a company or an employee organization and operated on a non-profit basis with the primary purpose of transporting employees of the company between the employees' homes and the company's place of business or a public transportation station and in which the operating, administrative, maintenance and reasonable depreciation costs are paid principally by the persons utilizing the commuter van as provided in Section 1-114.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-114.1).

"Compensation" - remuneration or payment of any kind which is received or owed for use of the motor vehicle or the service provided by the use of the motor vehicle.

"Funeral Home Vehicle" - any privately owned first or second division vehicle weighing 8,000 pounds or less which is owned or leased by a funeral home.

"Livery Vehicle" - any privately owned first division vehicle which is intended to be used for the transportation of persons when the payment is not based on a meter charge but is prearranged for a designated destination.

"Medical Carrier" - any publicly or privately owned motor vehicle which is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the nonemergency transportation of persons for compensation for the purpose of obtaining medical services as provided in Section 1-142.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-142.1).

"Medical Transport Vehicle" - includes ambulances, medical carriers, and rescue vehicles as provided in Section 1-142.2 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-142.2).

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"Motor Vehicle" - every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. For this Act, motor vehicles are divided into two divisions:

- 1) **First Division:** Those motor vehicles which are designed for the carrying of not more than 10 persons.
- 2) **Second Division:** Those motor vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters and those motor vehicles which are designed for pulling or carrying property, freight or cargo, and those motor vehicles of the first division remodelled for use and used as motor vehicles of the second division as provided in Section 1-146 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-146).

A second division vehicle also includes a motor vehicle of the first division used and registered as a school bus as provided in Section 1-217 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-217).

"Public Transportation Vehicle" - any privately owned first or second division motor vehicle which is intended to be used for and is maintained or operated for the nonemergency transportation of persons for compensation, excluding motor vehicles regulated by the Illinois Commerce Commission.

"Rescue Vehicle" - any publicly or privately owned vehicle which is specifically designed, configured, and equipped for the performance of access and extrication of persons from hazardous or life-endangering situations, as well as for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless as defined in Section 1-224 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-224).

"School Bus" - every motor vehicle, except as provided for in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

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- 1) Any public or private primary or secondary school;
- 2) Any primary or secondary school operated by a religious institution; or
- 3) Any public, private or religious nursery school.

This definition shall not include the following:

- 1) A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:
 - A) on a regularly scheduled route for the transportation of other fare paying passengers;
 - B) furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or
 - C) being used for shuttle service between attendance centers or other educational facilities.

- 2) A motor vehicle of the first division as provided in Section 1-182 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-182).

"Taxicab" - any privately owned first division vehicle which is intended to be used for the transportation of persons when the payment is usually based and recorded as a taxi meter charge between a point of origin and a destination.

"Tow Truck" - every truck designed or altered and equipped for and used to push, tow, or draw vehicles by means of a crane, hoist, towbar, towline or auxiliary axle, or to render assistance to disabled vehicles as defined in Section 1-205.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-205.1).

- b) The Department shall issue for every motor vehicle owned or operated by a person, firm or corporation, and used for transportation of persons or property for compensation, distinctive registration plates displaying a special designation, as provided in Sections 3-611, 3-412(e), 3-412(g), and 3-412(j)

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of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-611, 3-412(e), 3-412(g), and 3-412(j)). The statutory registration fee required shall be determined based on Sections 3-806 and 3-808 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-806 and 3-808) for vehicles of the first division and based on gross vehicle weight as provided in Section 3-815 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-815) for vehicles of the second division.

c) Motor vehicles privately owned by a person, firm or corporation and used for transportation of persons or property for compensation shall be issued the following distinctive registration plates:

1) Ambulances as defined in subsection (a) shall be issued ambulance plates. These distinctive plates shall be numbered to denote the following:

- A) First digit - the emergency medical service region.
- B) Next three digits - the number of the company providing the service as registered with the Illinois Department of Public Aid.
- C) Last two digits - the vehicle's number in the company's fleet.

2) Commuter vans as defined in subsection (a) shall be issued registration plates with a "CM" suffix.

3) Funeral home vehicles as defined in subsection (a) shall be issued registration plates with an "FH" suffix.

4) Livery vehicles as defined in subsection (a) shall be issued registration plates with an "LY" suffix.

5) Medical carrier vehicles and rescue vehicles as defined in subsection (a) shall be issued distinctive livery plates with an "MC" suffix. These plates shall be issued to first division and second division vehicles.

6) Public transportation vehicles as defined in subsection (a) shall be issued registration plates with a "PT" suffix.

7) School buses as defined in subsection (a) shall be issued registration plates with an "SB" suffix.

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8) Taxicabs as defined in subsection (a) shall be issued registration plates with a "TX" suffix.

9) Tow trucks as defined in subsection (a) shall be issued registration plates with a "TW" suffix. The display of plates is defined in Section 5-202 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 5-202).

d) Motor vehicles, not exempted from coverage in Chapter 8 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 8-101 et seq.), and which are used for the transportation of persons for compensation must file proof of financial responsibility at the time of registration as provided in Chapter 8 of the Illinois Vehicle Code. Additionally, medical transport vehicles and tow trucks must file proof of compliance with the safety inspection requirements of Section 13-101 of the Illinois Vehicle Inspection Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 13-101). Additionally, tow trucks must file proof of insurance compliance with Section 12-606(d) of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 12-606(d)). This requirement does not apply to motor vehicles covered under the liability insurance provision under Section 12-707.01 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 12-707.01).

(Source: Added at 13 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of Parts: Dealers, Wreckers, Transporters and Rebuilders

2) Code Citation: 92 Ill. Adm. Code 1020

3) Section Number:
1020.60
Proposed Action:
New Section

4) Statutory Authority: Sections 2-104(b) and 5-103 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-104(b) and 5-103).

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides guidelines for the insurance policy required for dealers that issue extended warranties.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on the part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert Powers
Assistant Counsel to the Secretary
Centennial Building, Room 298
Springfield, Illinois 62756
(217) 785-3094

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State has decided to submit this proposed rulemaking to the Small Business Office of the Department of Commerce and Community Affairs to determine the impact of this rulemaking on small businesses.

The full text of the Proposed Rule begins on the next page:

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1020
DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS

Section

- 1020.10 Dealers Established Place of Business
1020.20 Required Records For Automotive Parts Recyclers and Rebuilders, New Vehicle Dealers, Used Vehicle Dealers, Repairers and Out-of-State Salvage Vehicle Buyers
1020.40 Inspection of Licensees Records and Premises
1020.50 Consignment Sales by Dealers
1020.60 Extended Warranties and Service Contracts

AUTHORITY: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 5-100 et seq. and 2-104(b)).

SOURCE: Filed March 5, 1975; amended at 2 Ill. Reg. 33, p. 144, effective August 8, 1978; amended at 5 Ill. Reg. 3835, effective March 27, 1981; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 5260, effective April 4, 1983; amended at 8 Ill. Reg. 14657, effective August 1, 1984; amended at 8 Ill. Reg. 22884, effective November 16, 1984; amended at 12 Ill. Reg. 13612, effective August 15, 1988; amended at 12 Ill. Reg. 17962, effective November 1, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 1020.60 Extended Warranties and Service Contracts

- a) For purposes of this Section, the following definitions shall apply:

"Department" - Department of Vehicle Services within the Office of the Secretary of State.

"Extended warranties or service contracts" - any agreement to perform over a fixed period of time or for a specified duration, services relating to the maintenance or repair, or both, of a vehicle in addition to the manufacturer's warranty.

"Manufacturer's warranty" - a mechanical repair contract, expressed or implied, issued by the company that designs, manufactures and assembles the vehicle.

- b) The provisions of this Section shall apply to dealers issuing an

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extended warranty or service contract, as defined herein, which is sold in conjunction with purchase of a new or used automobile or subsequent renewal of such contract. This Section shall not apply to short term warranties or guarantees usually associated with repairs performed on an automobile after a mechanical defect or mechanical repair contract issued by manufacturers. Any dealer that indicates on the application for his/her dealer's license or the renewal thereof that he/she is offering extended warranties or service contracts shall be subject to the provisions of this Section. If a dealer decides to offer extended warranties or service contracts after he/she has obtained or renewed his/her dealer's license, he/she shall inform the Department that he/she intends to offer extended warranties or service contracts and adhere to the provisions of this Section. Before issuing extended warranties or service contracts, the dealer shall submit a signed affirmation to the Department that he/she has or intends to purchase an insurance policy to satisfy the provisions of this Section.

c) Any dealer who wishes to offer an extended warranty or service contract to his/her customers shall satisfy the requirements of this Section. The dealer shall purchase an insurance policy which meets the following criteria:

- 1) is issued by an insurance company licensed to do business in Illinois;
 - 2) provides for the direct payment of claims in the event of bankruptcy, insolvency or removal from business of the person issuing the extended warranty or service contract; and
 - 3) is non-cancellable by the insurance company and the policy holder with respect to the extended warranties or service contracts without giving ninety (90) days notice.
- d) The dealer shall retain a copy of the insurance policy and a list of the consumers covered on the premises at all times which shall be available for inspection by the Secretary of State Police or other representatives of the Secretary of State at all times.
- e) If the insurance policy is going to be cancelled, the Department shall be notified immediately. The dealer then has ninety (90) days from the notice period to replace the insurance policy with another policy or furnish other proof of meeting the financial requirements of this Section. If the financial requirements outlined in this subsection are not met in the prescribed time

period, the Department shall issue a cease and desist order directing the dealer to discontinue issuing the extended warranties or service contracts effective at the termination of the insurance policy.

(Source: Added at 13 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code citation: 41 111. Adm. Code 170

Adopted Action:

170.75	Renumbered
170.400	New Section
170.410	New Section
170.420	New Section
170.430	New Section
170.440	New Section
170.450	New Section
170.460	New Section
170.470	New Section
170.480	New Section
170.490	New Section
170.500	New Section
170.510	New Section
170.520	New Section
170.530	New Section
170.540	New Section
170.550	New Section
170.560	New Section
170.570	New Section
170.580	New Section
170.590	New Section
170.600	New Section
170.610	New Section
170.620	New Section
170.630	New Section
170.640	New Section
170.650	New Section
170.660	New Section
170.670	Renumbered,
170. TABLE A	New Section
170. TABLE B	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 127 1/2, par. 154

5) Effective date: April 21, 1989

6) Does this rulemaking contain an automatic repeal date? Yes X No

If "yes", please specify the date: _____

77) Do these adopted amendments contain incorporations by reference? Yes
 If "yes" was a copy of the approval form issued by JCAR attached to this rulemaking? N/A

8) Date filed in agency's principal office: April 10, 1989

9) Date the Notice of Proposed Amendments was published in the "Illinois Register": These amendments were not proposed because they are adopted pursuant to Ill. Rev. Stat. 1987, ch. 127½, par. 154.

102 Has JCAR issued a Statement of Objection to this (these) rule(s)? No
If answer is "yes," please complete the following:

A) Statement of Objection: _____ Ill. Reg. _____
(issue date)

B) Agency Response: _____, Ill. Reg. _____
(issue date)

C) Date Agency Response Submitted for Approval to JCRC: N/A

111) Difference(s) between proposal and final version: N/A

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

132 Will these amendments replace an emergency amendment currently in effect? Yes

Section Numbers	Proposed Action	Illinois
142	Are there any proposed amendments pending on this Part?	

170.10	Amendment	13 III. Reg.	1756
170.71	New Section	13 III. Reg.	1756
170.72	New Section	13 III. Reg.	1756
170.73	New Section	13 III. Reg.	1756
170.75	Amendment	13 III. Reg.	1756
170.106	New Section	13 III. Reg.	1756
170.107	New Section	13 III. Reg.	1756
170.108	New Section	13 III. Reg.	1756

152) Summary and Purpose of Amendments: Pursuant to Ill. Rev. Stat. 1987, ch. 127, par. 154, the Office of the State Fire Marshal is to adopt 40 CFR, 280.

162 Information and questions regarding these adopted amendments shall be directed to:

John S. Moore
Director, Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
3150 Executive Park Drive
Springfield, IL 62703-4599

The full text of the adopted amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

OFFICE OF THE STATE FIRE MARSHAL

TITLE 41 FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM GASOLINE--AND--VOLATILE OILS-- AND OTHER REGULATED SUBSTANCES RULES--AND--REGULATIONS--RELATING--TO--SERVICE--STATIONS

SUBPART A: MISCELLANEOUS

Section

- 170.10 Definitions
- 170.11 Incorporation of National Standards
- 170.15 Bulk Sales Prohibited
- 170.20 Storage Underground and Limited
- 170.30 Setting of Tanks (Repealed)
- 170.40 Clearance Required for Underground Tanks
- 170.41 Location
- 170.50 Material and Construction of Tanks
- 170.60 Venting of Tanks
- 170.65 Underground Tank Installations
- 170.70 Fill Pipes
- 170.71 Registration of Underground Storage Tanks
- 170.72 Late Registration Fee
- 170.75 Abandonment of Underground Storage Tanks (Renumbered)
- 170.76 Leaking Underground Tanks
- 170.80 Unloading Operations
- 170.90 Pumps
- 170.91 Labeling of Containers and Pumps
- 170.100 Piping
- 170.105 Approval of Plans
- 170.106 Installer, Repairer or Remover of Underground Storage Tanks
- 170.107 Tester of Underground Storage Tanks and Cathodic Protection
- 170.108 Pressure Testing
- 170.110 Building
- 170.115 Safe Heat Required
- 170.120 No Flammable or Combustible Liquids Within Building - Exception
- 170.130 Greasing Pits
- 170.140 Wash and Greasing Rooms
- 170.145 Fire Extinguishers
- 170.150 Self-Service - No Self-Service Without Permit; Procedures and Regulations
- 170.160 Care and Attendance
- 170.170 Fire Extinguishers (Repealed)
- 170.180 Sale of Fireworks
- 170.190 Approval of Plans (Repealed)
- 170.200 Defective Equipment
- 170.210 Deliveries from Portable Tanks Restricted

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170.310 Unattended Self-Service Other Than Fleet Operations

SUBPART B: UNDERGROUND STORAGE TANKS --- TECHNICAL REQUIREMENTS

- 170.400 Definitions
- 170.410 Incorporations by Reference
- 170.420 Design, Construction, Installation and Notification of New UST Systems
- 170.430 Upgrading of Existing UST Systems
- 170.440 Notification Requirements
- 170.450 Spill and Overfill Control
- 170.460 Operation and Maintenance of Corrosion Protection
- 170.470 Compatibility
- 170.480 Repairs Allowed
- 170.490 Reporting and Recordkeeping
- 170.500 General Release Detection Requirements for All UST Systems
- 170.510 Release Detection Requirements for Petroleum UST Systems
- 170.520 Release Detection Requirements for Hazardous Substance UST Systems
- 170.530 Methods of Release Detection for Tanks
- 170.540 Methods of Release Detection for Piping
- 170.550 Release Detection Recordkeeping
- 170.560 Reporting of Suspected Releases
- 170.570 Investigation Due to Off-Site Impacts
- 170.580 Release Investigation and Confirmation Steps
- 170.590 Reporting and Cleanup of Spills and Overfills
- 170.600 Initial Response for UST Systems Containing Petroleum of Hazardous Substances
- 170.610 Initial Abatement Measures and Site Check
- 170.620 Temporary Closure of Out-of-Service UST Systems
- 170.630 Change-in-Service of UST Systems
- 170.640 Assessing the Site at Removal or Change-in-Service of UST Systems
- 170.650 Applicability to Previously Removed UST Systems
- 170.660 Removal or Change-In-Service Records
- 170.670 Abandonment of Underground Storage Tanks--or--Change--of--Ownership

TABLE A SCHEDULE FOR PHASE-IN OF RELEASE DETECTION

TABLE B MANUAL TANK GAUGING: WEEKLY AND MONTHLY STANDARDS

AUTHORITY: Implementing and authorized by Section 2 of "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (111. Rev. Stat. 1987, ch. 127 1/2, par. 154)

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill.

Reg. 12324, effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 5669, effective April 21, 1989.

AGENCY NOTE: The text of Section 170.670 which appears below does not include the emergency amendments adopted at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days. The copies filed with the Administrative Code Division reflect both the emergency amendments and these adopted amendments.

SUBPART A: MISCELLANEOUS

Section 170.75 Abandonment of Underground Storage Tanks (Renumbered)

(Source: Section 170.75 renumbered to Section 170.670 at 13 Ill. Reg. 5669, effective April 21, 1989)

SUBPART B: UNDERGROUND STORAGE TANKS -- TECHNICAL REQUIREMENTS

Section 170.400 Definitions

- a) "Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.
- b) "Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurement of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. This person must have education and experience in the measurement of cathodic protection of buried metal piping and tank systems, and be registered as an UST "tester" with the Office of the State Fire Marshal.
- c) "Compatible" means the ability of two or more substances to maintain their respective physical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.
- d) "Consumptive use on the premises" for purposes of determining whether a tank containing heating oil is an UST, does not include using heating oil to heat from a boiler or furnace through direct conductivity any product or substance used in a manufacturing or production process.

- e) "Corrosion expert" is a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. This person must be accredited as being qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. This person must be accredited as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered Professional Engineer with the State, who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.
- f) "Dielectric material" is one that does not conduct direct electric current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soil. Dielectric bushings are used to electrically isolate portions of the UST system (i.e., tank from piping).
- g) "Excavation zone" is the volume containing the tank system and backfill material bounded by the ground surface walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.
- h) "Existing tank system" means a tank system used to contain an accumulation of regulated substance or for which installation has commenced on or before April 22, 1989. Installation is considered to have commenced if the owner or operator has obtained all Federal, State and local approvals or permits necessary to begin physical construction of the site or installation the tank system, and:
- 1) A continuous on-site physical construction or installation program has begun, or
- 2) The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction at the site or installation of the tank system, to be completed within a reasonable time.
- i) "Farm tank" is a tank located on a tract of land devoted to the production of crops or raising of animals, including fish. To be exempt from UST jurisdiction, a farm tank must be located on the farm property, including all contiguous land and structures, and other appurtenances and improvements. "Farm" includes fish

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hatcheries, rangeland and nurseries with growing operations. "Farm" does not include agribusiness laboratories where animals are raised, land used to grow timber and pesticide aviation operations. Moreover, this definition does not include retail stores or garden centers where the produce of nursery farms is marketed, but not produced.

j) "Flow-through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process.

k) "Gathering lines" are any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

l) "Hazardous substance" means any substance listed in 40 CFR 302.4, incorporated by reference in Section 170.410 (but not including any substance regulated as a hazardous waste under 35 Ill. Adm. Code 721).

m) "Hazardous substance UST system" means an underground storage tank system that contains a hazardous substance as defined in this Section, regardless of the quantity it constitutes of the total volume of the contents of the system and regardless of the presence in the system of any amount of any other regulated substance as defined in this Section.

n) "Heating oil" means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment boilers or furnaces.

o) "Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations" refer to sumps, well cellars, or other traps used in association with oil or gas production, gathering or extraction operations (including gas production plants), for the purpose of collecting oil, water or other liquids. Such liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

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p) "Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any grade of gasohol, and is typically used in the operation of a motor engine.

q) "New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after April 21, 1989. A new tank system may include a tank which has been installed, contained regulated substances, removed and re-certified by the manufacturer.

r) "Noncommercial purposes" with respect to motor fuel means not for resale.

s) "On the premises where stored" means tanks located on the same property where the stored heating oil is used. Tanks are excluded as long as the oil is stored anywhere on the same property. "On the premises" is not limited to the building where the heating oil is stored. Thus, centralized heating units using heating oil that serve more than one building on the same property would be excluded.

t) "Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

u) "Overfill release" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

v) "Owner" of an UST system means person who has legal or equitable title to an UST system which has or has had a regulated substance(s) contained in it.

w) "Person" means an individual, trust, firm, partnership, joint stock company, corporation, Federal agency, state, municipality, commission, unit of local government or political subdivision of the State or any interstate body. "Person" also includes a consortium, a joint venture, a commercial entity or the United States Government.

x) "Petroleum" [including crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60° F and 14.7 pounds per square inch absolute)], includes but is not limited to petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading or finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils.

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lubricants and petroleum solvents.

y2) "Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of petroleum (four percent or greater of the total volume of the contents of the system) with other regulated substances as defined in this Section.

z2) "Pipe or piping" is any hollow cylinder or tubular conduit that is constructed of non-earthen materials.

aa2) "Pipeline facilities (including gathering lines)" include new or existing pipe rights-of-way and any equipment, facilities or buildings used in the transportation of gas (or hazardous liquids, which include petroleum or any other liquid designated by the United States Secretary of Transportation) or the treatment of gas or designated hazardous liquids during the course of transportation.

bb2) "Regulated substance" means petroleum or hazardous substance as defined in this Section.

cc2) "Repair" means to restore a tank or UST system component that has caused a release of product from the UST system.

dd2) "Residential tank" is an UST used primarily for dwelling purposes; it does not include a multi-unit dwelling such as an apartment building, condominium, cooperative or dormitory.

ee2) "Storm-water" or "wastewater" collection system is all piping, pumps, conduit and any other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation or domestic, commercial or industrial wastewater to and from detention areas or areas where treatment is designated to occur. The collection of storm-water or wastewater does not include treatment, except where incidental to conveyance.

ff2) "Surface impoundment" is a natural topographic depression, man-made excavation or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

gg2) "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

hh2) A tank is "10 percent or more beneath the surface of the ground", if its volume (including the volume of its connected underground

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piping) is 10 percent or more beneath the ground surface or otherwise covered with earthen materials.

ii1) "Underground pipes connected thereto" means all underground piping, including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between the systems. Where tanks are manifolded together, each tank is considered as a separate UST system. However, if an exempt tank is connected by piping to a regulated tank, half of the piping is allocated to each tank system.

ii1) "Underground storage tank" or "UST".

1) "Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes and cathodic protection connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. A tank containing less than four percent petroleum of the total volume of its contents and no hazardous substance is not an underground storage tank or UST. A tank system classified as an UST may not be re-classified as being a non-UST, unless there has been a change-in-service as provided in Section 170.630. A non-UST system tank, which is used to store a non-regulated substance, may not be converted to an UST system tank, unless the tank has been re-certified by the manufacturer. An UST system does include an emergency power generator tank that stores any classification of fuel for use exclusively, alternately or concurrently by an emergency power generator, except as otherwise excluded in subsections (1)(K) and (2)(C). The term "underground storage tank" or "UST" shall not include any pipes connected to any tank which is described in subsections (1)(A) through (L). Underground storage tank or UST does not include any:

A2) Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

B2) Tank of 1,100 gallons or less capacity used exclusively for storing heating oil for consumptive use on the premises where stored;

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- C) Septic tank;
- D) Pipeline facility (including gathering lines):
- i) Regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.).
 - ii) Regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2001 et seq.), or
 - iii) Regulated under the Illinois Gas Pipeline Safety Act, (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 551 et seq.).
- E) Surface impoundment, pit, pond or lagoon;
- F) Storm-water or water waste collection system;
- G) Flow-through process tank;
- H) Liquid trap or associated gathering line directly related to oil or gas production and gathering operations;
- I) Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor and can be viewed from all sides;
- J) Tank abandoned by filling with inert material in compliance with regulations issued by the Office of the State Fire Marshal;
- K) Tank with a capacity less than 110 gallons; or
- L) Hydraulic lift tank.
- 2) The following are deferred from being considered UST systems (whether single- or double- wall construction):
- A) Wastewater treatment tank system;
 - B) Any UST system containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011);
 - C) Any UST system that is part of an emergency generation

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- system at a nuclear power generation facility regulated by the United States Nuclear Regulatory Commission.
- D) Airport hydrant fuel distribution system; and
 - E) Any UST system with a field-constructed tank.
- 3) Although the systems specified in subsection (2) are exempt from the requirements in Sections 170.420 through 170.670, they are required to comply with the following:
- A) Be constructed to prevent releases due to corrosion or structural failure for the operational life of the UST system;
 - B) Be cathodically protected against corrosion, constructed of non-corrodible material, steel clad with a non-corrodible material or designed in a manner to prevent the release or threatened release of any stored substance;
 - C) Be constructed or lined with material that is compatible with the stored substance; and
 - D) An owner of an UST system with field-constructed tanks shall install monitoring wells in accordance with written directives issued by the Office of the State Fire Marshal.
- kk) "Upgrade" is the addition or retrofit of some portion of an UST system, such as cathodic protection, lining, or spill and overflow controls, to improve the ability of the UST to prevent the release of product.
- (Source: Added at 13 Ill. Reg. 5669, effective April 21, 1989)
- Section 170.410 Incorporations by Reference.
- a) The following publications are incorporated by reference in this Subpart:
- Association for Composite Tanks (ACT). Available from the Association for Composite Tanks, 108 N. State St., Suite 720, Chicago, IL 60602 (800)368-2105.
- ACT-100/88, "Specification for the Fabrication of FRP Clad/Composite Underground Storage Tanks", revised March 16,

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1988.

American National Standards Institute (ANSI). Available from the American National Standards Institute, 1430 Broadway, New York, NY 10018 (212)354-3300:

ANSI 831.3 -- 1987, with addenda 831.3a -- 1988 and 831.3b -- 1988, "Chemical Plant and Petroleum Refinery Piping" (1980).

ANSI 831.4 -- 1986, with addendum 831.4a -- 1987, "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols" (1981).

ANSI Z117.1 -- "Confined Spaces Safety" (1977).

American Petroleum Institute (API). Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005 (202)682-8000:

API Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks", Second Edition, December, 1987.

API Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fourth Edition, November, 1987.

API Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets", Fourth Edition, December, 1987.

API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations", First Edition, April, 1985.

API Recommended Practice 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations", First Edition, August, 1986.

API Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Second Edition, December, 1987.

API Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Second Edition, December, 1987.

API Publication 2015, "Cleaning Petroleum Storage Tanks", Third Edition, September, 1985.

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API Publication 2015A, "A Guide for Controlling the Lead Hazard Associated with Tank Entry and Cleaning", Second Edition, June, 1982.

API Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines", Second Edition, April, 1983.

American Society for Testing and Materials (ASTM). Available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103 (215)299-5400:

ASTM D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks", approved July 25, 1986.

National Association of Corrosion Engineers (NACE). Available from the National Association of Corrosion Engineers, 1400 S. Creek Dr., Houston, TX 77084 (713)492-0535:

NACE Standard Recommended Practice RP0169-83, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", revised January, 1983.

NACE Standard Recommended Practice RP0285-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", approved March, 1985.

National Fire Protection Association (NFPA). Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269 (617)770-3000 or (800)344-3555:

NFPA 30, "Flammable and Combustible Liquids Code", issued July 17, 1987. Also available from ANSI.

NFPA 327, "Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers", issued December 10, 1986. Also available from ANSI.

NFPA 385, "Tank Vehicles for Flammable and Combustible Liquids", issued December 7, 1984. Also available from ANSI.

National Leak Prevention Association (NLPA). Available from the National Leak Prevention Association, 4090 Rose Hill Ave., Cincinnati, OH 45229 (800)543-1838:

NLPA Standard 631, "Spill Prevention, Minimum 10 Year Life

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Extension of Existing Steel Underground Storage Tanks by Lining Without the Addition of Cathodic Protection.

Petroleum Equipment Institute (PEI). Available from the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101 (918)743-9941.

PEI/RP100-87, "Recommended Practices for Installation of Underground Liquid Storage Systems", 1987 Edition.

Steel Tank Institute (STI). Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062 (312)498-1980.

STI-P3, "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks", effective May 1, 1987.

STI, "Standard for Dual Wall Underground Steel Storage Tanks" (1986).

Underwriters Laboratories, Inc. (UL). Available from Underwriters Laboratories, Inc., Publications Stock, 333 Pfingsten Rd., Northbrook, IL 60062-2096 (312)272-8800, extension 2612 or 2622.

UL 58 -- 1985, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids", Eighth Edition, April 15, 1986. Also available from ANSI.

UL 567 -- 1983, "Standard for Pipe Connectors for Flammable and Combustible Liquids and LP-Gas", Fifth Edition, March 12, 1984, as revised September 30, 1985. Also available from ANSI.

UL 1316, "Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products", First Edition, July 1, 1983, as revised April 29, 1986 and March 3, 1987.

Underwriters Laboratories of Canada (UL Canada). Available from Underwriters Laboratories of Canada, 7 Crouse Rd., Scarborough, Ontario M1R 3A9 CANADA (416)757-3611.

UL Canada Standard CAN4-S603-M85, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids", First Edition, June, 1985.

UL Canada Standard CAN4-S603.1-M85, "Standard for Galvanic Corrosion Protection Systems for Steel Underground Tanks for

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Flammable and Combustible Liquids", First Edition, June, 1985.
UL Canada Standard CAN4-S615-M83, "Standard for Reinforced Plastic Underground Tanks for Petroleum Products", First Edition, February, 1983.

UL Canada Standard CAN4-S631-M84, "Standard for Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems", First Edition, May, 1984.

UL Canada Standard CAN4-S633-M84, "Flexible Underground Hose Connectors for Flammable and Combustible Liquids", First Edition, June, 1984.

UL Canada Subject C107C-M1984, "Guide for Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable Liquids", First Edition, June, 1984.

b2) Code of Federal Regulations (CFR). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401 (202) 783-3238:

40 CFR 280, Subpart E, as adopted at 53 Fed. Reg. 37194, September 23, 1988.

40 CFR 280, Subpart F, as adopted at 53 Fed. Reg. 37194, September 23, 1988.

40 CFR 280, Subpart H, as adopted at 53 Fed. Reg. 43370, October 26, 1988.

40 CFR 302.4, 302.5 and 302.6 (1987).

c2) This Section incorporates no later editions or amendments.

(Source: Added at 13 ILL. Reg. 5669 effective April 21, 1989)

Section 170.420 Design, Construction, Installation and Notification of New UST Systems

a2) Tanks. Each tank must be properly designed and constructed, and any portion underground that routinely contains product must be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

1) The tank is constructed of fiberglass-reinforced plastic (The

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following industry codes, incorporated by reference in Section 170.410, may be used to comply with this subsection: UL 1316; UL Canada Standard CAN4-S615; or ASTM D4021.); or

- 2) The tank is constructed of steel and cathodically protected in the following manner:

- A) The tank is coated with a suitable dielectric material;
- B) Field-installed cathodic protection systems are designed by a corrosion expert;
- C) Impressed current systems are designed to allow determination of current operating status as required in Section 170.460(c); and
- D) Cathodic protection systems are operated and maintained in accordance with Section 170.460 (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection: STI-P3; UL Canada Standard CAN4-S603, CAN4-S603.1 and CAN4-S631; NACE RP0285 or UL 58.); or

- 3) The tank is constructed of a steel-fiberglass-reinforced-plastic composite (The following industry code, incorporated by reference in Section 170.410, may be used to comply with this subsection: Act-100.); or

- 4) The tank construction and corrosion protection are determined by the Office of the State Fire Marshal to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than subsections (a)(1) through (3). Before the installation of any such tank, its construction and corrosion protection shall be submitted to the Office in writing, and the Office shall issue written approval.

- b) Piping. The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

- 1) The piping is constructed of fiberglass-reinforced plastic (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this

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subsection: UL 567; UL Canada Subject C107C; or UL Canada Standard CAN4-S633.); or

- 2) The piping is constructed of steel and cathodically protected in the following manner:

- A) The piping is coated with a suitable dielectric material;
- B) Field-installed cathodic protection systems are designed by a corrosion expert;
- C) Impressed current systems are designed to allow determination of current operating status as required in Section 170.460(c); and
- D) Cathodic protection systems are operated and maintained in accordance with Section 170.460 or guidelines established by the Office of the State Fire Marshal. (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection: NFPA 30; API Recommended Practice 1615; API Recommended Practice 1632; or NACE RP0285.)

- 3) The piping construction and corrosion protection are determined by the Office of the State Fire Marshal to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in subsections (b)(1) and (2). Before the installation of any such piping, its construction and corrosion protection shall be submitted to the Office in writing, and the Office shall issue written approval.

- c) Spill and overflow prevention equipment. To prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overflow prevention equipment:

- 1) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and
- 2) Overflow prevention equipment that will:
 - A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

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B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm.

3) Owners and operators are not required to use the spill and overfill prevention equipment specified in subsections (c)(1) and (2) if:

A) Alternative equipment is used that is determined by the Office of the State Fire Marshal in writing to be no less protective of human health and the environment than the equipment specified in subsections (c)(1) and (2); or

B) The UST system is filled by transfers of no more than 25 gallons at one time.

d) Installation. All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. (Tank and piping system installation practices and procedures described in the following codes, incorporated by reference in Section 170.410, may be used to comply with this subsection: API Recommended Practice 1615; PEI Publication RP100; or ANSI B31.3 and B31.4.)

e) Certification of installation. All owners and operators must ensure that one or more of the following methods of certification, testing or inspection is used to demonstrate compliance with subsection (d) by providing a certification of compliance on the UST notification form in accordance with Section 170.440:

1) The installer has been certified by the tank and piping manufacturers;

2) The installer has been certified or licensed by the Office of the State Fire Marshal;

3) The installation has been inspected and certified by a registered Professional Engineer with the State who has education and experience in UST system installation;

4) The installation has been inspected and approved by the Office of the State Fire Marshal;

5) All work listed in the manufacturer's installation checklists has been completed; or

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6) The owner or operator have complied with another method for ensuring compliance with subsection (d) that is determined by the Office of the State Fire Marshal in writing to be no less protective of human health and the environment.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989.)

Section 170.430 Upgrading of Existing UST Systems

a) Alternatives allowed. Not later than December 22, 1998, all existing UST systems must comply with one of the following requirements:

1) New UST system performance standards under Section 170.420;

2) The upgrading requirements in subsections (b) through (d); or

3) Temporary closure or removal requirements under Sections 170.620 through 170.670, including applicable requirements for corrective action under 40 CFR 280, Subpart F, incorporated by reference in Section 170.410.

b) Tank upgrading requirements. Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

1) Interior lining. A tank may be upgraded by internal lining if: The lining is installed in accordance with the requirements of Section 170.480 and the following are complied with:

A) Tank Entry. Before entering tanks, the procedures described in API Publication 2015 and 2015A, incorporated by reference in Section 170.410, shall be complied with. This includes checking the oxygen content inside the tank with a properly calibrated oxygen monitor. At all times, personnel entering the tank shall be equipped with positive pressure air supplied equipment with full face enclosure and safety harness connected to a safety line held by an attendant outside the tank. Oil and water-resistant rubber or neoprene boots and gloves shall be worn. Clothing shall cover the arms, legs, torso and head of tank entry personnel. Disposable clothing, impervious to product, is preferred. Clothing saturated with product shall be removed immediately upon departure from the tank. All

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personnel working inside the tank shall be familiar with ANSI Z117.1, incorporated by reference in Section 170.410. Tests with the combustible gas indicator and oxygen monitor shall be performed periodically in the tank to ascertain that the tank vapors and oxygen content are in the safe range. It shall be recognized that if the tank is perforated, product or vapors which have leaked into the soil may re-enter the tank through a perforation. The vent line shall remain clear and unobstructed to allow continuous ventilation. All other lines and openings shall be plugged or capped off to insure no liquids or vapors may enter the tank during the lining operation.

- B) Application of Lining. Prior to the application of lining material, a 1/4 inch steel reinforcing plate rolled to the contour of the tank and with minimum dimensions of 8 inches by 8 inches shall be installed under the fill (drop) tube and gauging tube. This plate shall be covered with fiberglass cloth imbedded in resin. The blast-cleaned surface shall be coated within eight hours after blasting and before any visible rusting occurs. Only those lining materials meeting the specifications in API Publication 1631, incorporated by reference in Section 170.410, shall be used. Manufacturer's instructions are to be complied with on handling and mixing of resin compounds, and these compounds shall be applied to the entire interior surface of the tank by the manufacturer or the manufacturer's designated distributor following the specified method of application, to the designated thickness, and at the recommended application temperature. If a heater is used to accelerate the curing process, all other work which might release flammable vapors shall be halted, and the heating unit shall be attended whenever it is in operation. The coating shall be cured thoroughly to the manufacturer's specifications and checked for air pockets and pinholes using a Holiday Detector. If any exceptions are found, they shall be repaired to manufacturer's specifications. The contractor shall protect the coated surfaces from contamination by foreign matter. The coating thickness shall be checked with an Elcometer Thickness Gauge or equivalent and tested for hardness using a Barcol Hardness Tester or equivalent to ensure compliance with manufacturer's specifications.

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- C) Tank Closing. If an opening has been cut, the tank shall be sealed as follows:
- i) A 1/4 inch thick steel cover plate, rolled to the contour of the tank, shall be made to overlap the hole at least two inches on each side (e.g., should measure at least 26 inches by 26 inches if manhole was cut 22 inches by 22 inches).
 - ii) The cover shall be used as a template to locate 3/4 inch diameter holes not exceeding five inch centers, one inch from the edge of the cover.
 - iii) The cover plate shall be sandblasted to White Metal on both sides, and the entire inside surface shall be coated with coating material to act as a gasket.
 - iv) Before the coating on the cover cures, the cover shall be fastened to the tank using 1/2 inch (minimum) diameter bolts. The bolt shafts are to be placed through the holes from the inside of the tank and held in place by spring clips, then fastened with local washers and nuts as illustrated in accordance with API Publication 1631, incorporated by reference in Section 170.410; and
 - v) After being bolted to the tank, the cover plate and surrounding tank surface shall be properly sandblasted, coated with coating material and allowed to cure before backfilling the hole.
- D) Tank Tightness Testing. Before backfilling, the tank shall be tightness tested in accordance with Section 170.530(C). Particular attention shall be paid to the cover plate and all exposed fittings.
- E) Within 10 years after lining, and every five years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.
- 2) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D), and the integrity of the tank is ensured using one of the following methods:

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A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system;

B) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with Section 170.530(d) through (h);

C) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of Section 170.530(c). The first tightness test must be conducted prior to installing the cathodic protection system. The second tightness test must be conducted between three and six months following the first operation of the cathodic protection system; or

D) The tank is assessed for corrosion holes by a method that is determined by the Office of the State Fire Marshal to prevent releases in a manner that is no less protective of human health and the environment than subsections (b)(2)(A) through (C); before the utilization of any such method, it shall be submitted to the Office in writing, and the Office shall issue written approval.

3) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:

A) The lining is installed in accordance with the requirements of subsection (b)(1) and Section 170.480; and

B) The cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D). (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this Section: API Recommended Practice 1631: NLP Standard 631; NACE RP0285; or API Recommended Practice 1632.)

c) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meeting the requirements

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of Section 170.420(b)(2)(B) through (D). (The codes and standards listed in Section 170.420(b)(2) may be used to comply with this requirement.)

d) Spill and overflow prevention equipment. To prevent spilling and overflowing associated with product transfer to the UST system, all existing UST systems must comply with new UST system spill and overflow prevention equipment requirements specified in Section 170.420(c).

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.440 Notification Requirements

a) Any owner who brings an underground storage tank system into use after April 21, 1989, must within 30 days of bringing such tank into use, submit, in the form prescribed by the Office of the State Fire Marshal, a notice of existence of such tank system to the Office.

b) Owners required to submit notices under subsection (a) must provide notice for each tank they own. Owners may provide notice for more than one tank using one notification form, but owners who own tanks located at more than one facility or site must file a separate notification form for each separate facility or site.

c) Notices required to be submitted under subsection (a) must provide all of the information requested in the form prescribed by the Office of the State Fire Marshal.

d) All owners and operators of new UST systems must certify in the notification form compliance with the following requirements:

1) Installation of tanks and piping under Section 170.420(e);

2) Cathodic protection of steel tanks and piping under Section 170.420(a) and (b);

3) Financial responsibility under 40 CFR 280, Subpart H, incorporated by reference in Section 170.410; and

4) Release detection under Sections 170.510 and 170.520.

e) All owners and operators of new UST systems must ensure that the installer certifies in the notification form that the methods used to install the tanks and piping comply with the requirements of Section 170.420(d).

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f) Any change in information stated in the form as described in subsection (a) is to be submitted to the Office of the State Fire Marshal on an amended form, as prescribed by the Office, within 30 days, commencing from the date of such change.

g) Beginning April 22, 1989, any person who sells a tank intended to be used as an underground storage tank must notify the purchaser of such tank of the owner's notification obligations under subsection (a). The notification form provided by the Office of the State Fire Marshal may be used to comply with this requirement.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.450 Spill and Overfill Control

a) Owners and operators must ensure that releases due to spilling or overfilling do not occur. The owner and operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. (The transfer procedures described in NFPA 385, incorporated by reference in Section 170.410, may be used to comply with this subsection. Further guidance on spill and overfill prevention appears in API Recommended Practice 1621 and NFPA Standard 30, incorporated by reference in Section 170.410.)

b) The owner and operator must report, investigate, and clean up any spills and overfills in accordance with Section 170.570.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.460 Operation and Maintenance of Corrosion Protection

All owners and operators of steel UST systems with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

a) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground; and

b) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection

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tester in accordance with the following requirements:

1) Frequency. All cathodic protection systems must be tested within six months of installation and at least every three years thereafter.

2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by subsection (b) must be in accordance with NACE Standard Recommended Practice RP0169-83 and RP0285-85, incorporated by reference in Section 170.410.

c) UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly.

d) For UST systems using current protection, records of the operation of the cathodic protection must be maintained (in accordance with Section 170.490) to demonstrate compliance with the performance standards in this section. These records must provide the following:

1) The results of the last three inspections required in subsection (c); and

2) The results of testing from the last two inspections required in subsection (b).

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.470 Compatibility

Owners and operators must use an UST system made of or lined with materials that are compatible with the substance stored in the UST system. (Owners and operators storing alcohol blends may use the following codes, incorporated by reference in Section 170.410, to comply with the requirements of this Section: API Recommended Practice 1626 and 1627.)

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.480 Repairs Allowed

a) Owners and operators of UST systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements:

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- 1) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory. (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection: NFPA 30; API Publication 2200; API Recommended Practice 1631; or NLP Standard 631.)
- 2) Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with ANSI Z117.1 or API Recommended Practice 1631.
- 3) Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications.
- 4) Repaired tanks and piping must be tightness tested in accordance with Sections 170.530(c) and 170.540(b) within 30 days following the date of the completion of the repair except as provided in subsection (a)(4).
 - A) The repaired tank is internally inspected in accordance with ANSI Z117.1 or API Recommended Practice 1631.
 - B) The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in Section 170.530(d) through (h); or
 - C) Another test method is used that is determined by the Office of the State Fire Marshal to be no less protective of human health and the environment than those listed in subsections (a)(4)(A) and (B); before the utilization of any such method, it shall be submitted to the Office in writing, and the Office shall issue written approval.
- 5) Within six months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with Section 170.460(b) and (c) to ensure that it is operating properly.
- 6) UST system owners and operators must maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of Section 170.480.

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- (Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989.)
- Section 170.490 Reporting and Recordkeeping
- a) Reporting. Owners and operators must submit the following information to the Office of the State Fire Marshal:
 - 1) Notification for all UST systems (Section 170.440), which includes certification of installation for new UST systems [Section 170.420(e)];
 - 2) Reports of all releases including suspected releases (Section 170.560), spills and overfills (Section 170.590), and confirmed releases (Section 170.600);
 - 3) Initial response, including leak abatement, site characterization, and fire and explosion mitigation (40 CFR 280, Subpart F, incorporated by reference in Section 170.410); and
 - 4) A notification before removal or change-in-service (40 CFR 280, Subpart F, incorporated by reference in Section 170.410).
 - b) Recordkeeping. Owners and operators must maintain the following information:
 - 1) Documentation of operation of corrosion protection equipment (Section 170.460);
 - 2) Documentation of UST system repairs [Section 170.480(f)];
 - 3) Recent compliance with release detection requirements (Section 170.550); and
 - 4) Results of the site investigation conducted at removal or change-in-service (Section 170.660).
 - c) Availability and Maintenance of Records. Owners and operators must keep the records required either:
 - 1) At the UST site and immediately available for inspection by the Office of the State Fire Marshal; or
 - 2) At a readily available alternative site in the State and be provided for inspection to the Office of the State Fire Marshal upon request.

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- 3) In the case of removal records required under 40 CFR 280. Subpart F, incorporated by reference in Section 170.410, owners and operators are also provided with the additional alternative of mailing removal records to the Office of the State Fire Marshal if they cannot be kept at the site or an alternative site as indicated in subsections (c)(1) and (2).

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.500 General Release Detection Requirements for All UST Systems

- a) Owners and operators of new and existing UST systems must provide a method, or combination of methods, of release detection that:
- 1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product;
 - 2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and
 - 3) Meets the performance requirements in Sections 170.530 and 170.540, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used after December 22, 1990 (except for methods permanently installed prior to that date) must be capable of detecting the leak rate or quantity specified for that method in Section 170.530(b) through (d) or 170.540 (a) and (b) with a probability of detection of 0.95 and a probability of false alarm of 0.05.
- b) When a release detection method operated in accordance with the performance standards in Sections 170.530 and 170.540 indicates a release may have occurred, owners and operators must notify the Illinois Emergency Services and Disaster Agency in accordance with Sections 170.560 through 170.590.
- c) Owners and operators of all UST systems must comply with the release detection requirements of Section 170.500 by December 22 of the year listed in Table A.
- d) Any existing UST system that cannot apply a method of release detection that complies with the requirements of Section 170.500 must complete the temporary closure or removal procedures in Sections 170.620 through 170.670 by the date on which release detection is required for that UST system under subsection (c).

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(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.510 Release Detection Requirements for Petroleum UST Systems

Owners and operators of petroleum UST systems must provide release detection for tanks and piping as follows:

- a) Tanks. Tanks must be monitored at least every 30 days for releases using one of the methods listed in Section 170.530 (d) through (h) except that:
- 1) UST systems that meet the performance standards in Sections 170.420 or 170.430 and the monthly inventory control requirements in Section 170.530(a) or (b), may use tank tightness testing [conducted in accordance with Section 170.530(c)] at least every five years until December 22, 1998, or until 10 years after the tank is installed or upgraded under Section 170.430(b), whichever is later;
 - 2) UST systems that do not meet the performance standards in Section 170.420 or 170.430 may use monthly inventory controls [conducted in accordance with Section 170.530(a) or (b)] and annual tank tightness testing [conducted in accordance with Section 170.530(c)] until December 22, 1998 when the tank must be upgraded under Section 170.430 or removed under Section 170.630; or
 - 3) Tanks with a capacity of 550 gallons or less may use weekly tank gauging [conducted in accordance with Section 170.530(b)].
- b) Piping. Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one of the following requirements:
- 1) Pressurized piping. Underground piping that conveys regulated substances under pressure must:
 - A) Be equipped with an automatic line leak detector conducted in accordance with Section 170.540(a); and
 - B) Have an annual line tightness test conducted in accordance with Section 170.540(b) or have monthly monitoring conducted in accordance with Section 170.540(c).
 - 2) Suction piping. Underground piping that conveys regulated

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substances under suction must either have a line tightness test conducted at least every three years and in accordance with Section 170.540(b), or use a monthly monitoring method conduct in accordance with Section 170.540(c). No release detection is required for suction piping that is designed and constructed to meet the following standards:

- A) The below-grade piping operates at less than atmospheric pressure;
- B) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
- C) Only one check valve is included in each suction line;
- D) The check valve is located directly below and as close as practical to the suction pump; and
- E) A method is provided that allows compliance with subsections (b)(2)(B) through (D) to be readily determined.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.520 Release Detection Requirements for Hazardous Substance UST Systems

Owners and operators of hazardous substance UST systems must provide release detection that meets the following requirements:

- a) Release detection at existing UST systems must meet the requirements for petroleum UST systems in Section 170.510. By December 22, 1998, all existing hazardous substance UST systems must meet the release detection requirements for new systems in subsection (b).
- b) Release detection at new hazardous substance UST systems must meet the following requirements:
 - 1) Secondary containment systems must be designed, constructed and installed to:
 - A) Contain regulated substances released from the tank system until they are detected and removed;
 - B) Prevent the release of regulated substances to the

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environment at any time during the operational life of the UST system; and

- C) Be checked for evidence of a release at least every 30 days.
- 2) Double-walled tanks must be designed, constructed, and installed to:
 - A) Contain a release from any portion of the inner tank within the outer wall; and
 - B) Detect the failure of the inner wall.
- 3) External liners (including vaults) must be designed, constructed and installed to:
 - A) Contain 100 percent of the capacity of the largest tank within its boundary;
 - B) Prevent the interference of precipitation or ground-water intrusion with the ability to contain or detect a release of regulated substances; and
 - C) Surround the tank completely (i.e., it is capable of preventing lateral as well as vertical migration of regulated substances).
- 4) Underground piping must be equipped with secondary containment that satisfies the requirements of subsection (b) (e.g., trench liners, jacketing of double-walled pipe). In addition, underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector in accordance with Section 170.540(a).
- 5) Other methods of release detection may be used if owners and operators:
 - A) Demonstrate to the Office of the State Fire Marshal that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in Section 170.530(b) through (h) can detect a release of petroleum; the demonstration of any such method shall be by writing submitted to the Office;
 - B) Provide written information to the Office of the State Fire Marshal on effective corrective action

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technologies, health risks, and chemical and physical properties of the stored substance, and the characteristics of the UST site; and

- c) Obtain written approval from the Office of the State Fire Marshal to use the alternate release detection method before the installation and operation of the new UST system.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.530 Methods of Release Detection for Tanks

Each method of release detection for tanks used to meet the requirements of Section 170.510 must be conducted in accordance with the following:

- a) Inventory control. Product inventory control (or another test of equivalent performance) must be conducted monthly to detect a release of at least 1.0 percent of flow-through plus 130 gallons on a monthly basis in the following manner:

- 1) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;
- 2) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
- 3) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;
- 4) Deliveries are made through a drop tube that extends to within one foot of the tank bottom;
- 5) Product dispensing is metered and recorded, pursuant to Section 8 of the Heights and Measures Act (Ill. Rev. Stat. 1987, ch. 147, par. 108); and
- 6) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month. (Practices described in the API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection.)

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- b) Manual tank gauging. Manual tank gauging must meet the following requirements:

- 1) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;
- 2) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;
- 3) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
- 4) A leak is suspected and subject to the requirements of 40 CFR 280, Subpart E, incorporated by reference in Section 170.410, if the variation between beginning and ending measurements exceeds the weekly or monthly standards in Table B;
- 5) Only tanks of 550 gallons or less nominal capacity may use this as the sole method of release detection. Tanks of 551 to 2,000 gallons may use the method in place of manual inventory control in subsection (a). Tanks of greater than 2,000 gallons nominal capacity may not use this method to meet the requirements of subsection (b);
- c) Tank tightness testing. Tank tightness testing (or another test of equivalent performance) must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation and the location of the water table.
- d) Automatic tank gauging. Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:
 - 1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; and
 - 2) Inventory control (or another test of equivalent performance) is conducted in accordance with the requirements of subsection (a).
- e) Vapor monitoring. Testing or monitoring for vapors within the

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soil gas of the excavation zone must meet the following requirements:

- 1) The materials used as a backfill are sufficiently porous (e.g., gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation area;
 - 2) The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;
 - 3) The measurement of vapors by the monitoring device is not rendered inoperative by the ground-water, rainfall, soil moisture or other known interferences so that a release could go undetected for more than 30 days;
 - 4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;
 - 5) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system;
 - 6) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in subsections (e)(1) through (4) and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product; and
 - 7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.
- f) Ground-water monitoring. Testing or monitoring for liquids on the ground-water must meet the following requirements:
- 1) The regulated substance stored is immiscible in water and has a specific gravity of less than one;
 - 2) Ground-water is never more than 20 feet from the ground surface and the hydraulic conductivity of the soil(s) between the UST system and the monitoring wells or devices is not

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less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials);

- 3) The slotted or perforated portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low ground-water conditions;
 - 4) Monitoring wells shall be sealed from the ground surface to the top of the filter pack;
 - 5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;
 - 6) The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the ground-water in the monitoring wells;
 - 7) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subsections (e)(1) through (5) and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product; and
 - 8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.
- g) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:
- 1) For double-walled UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product; the provisions specified in STI, "Standard for Dual Wall Underground Storage Tank", incorporated by reference in Section 170.410, may be used as guidance for aspects of the design and construction of underground steel double-walled tanks;
 - 2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can

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detect a release between the UST system and the secondary barrier:

A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (not in excess of 0.00001 cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;

B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;

C) For cathodically protected tanks, the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system;

D) The ground-water, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;

E) The site is assessed to ensure that the secondary barrier is always above the ground-water and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions; and

F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

3) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

h) Other methods. Any other type of release detection method, or combination of methods, can be used if:

1) It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or

2) The Office of the State Fire Marshal may approve another method if the owner and operator can demonstrate that the method can detect a release as effectively as any of the

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methods allowed in subsections (c) through (h); the demonstration of any such method shall be by writing submitted to the Office. In comparing methods, the Office shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator must comply with any conditions imposed by the Office on its use to ensure the protection of human health and the environment. Before the utilization of the method, the Office shall issue written approval.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.540 Methods of Release Detection for Piping

Each method of release detection for piping used to meet the requirements of Section 170.510 must be conducted in accordance with the following:

a) Automatic line leak detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at 10 pounds per square inch line pressure within one hour. An annual test of the operation of the leak detector must be conducted in accordance with the manufacturer's requirements.

b) Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.

c) Applicable tank methods. Any of the methods in Section 170.530(a) through (h) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.550 Release Detection Recordkeeping

All UST system owners and operators must maintain records in accordance with Section 170.490 demonstrating compliance with all applicable requirements of Sections 170.510 through 170.550. These records must include the following:

a) All written performance claims pertaining to any release detection system used and the manner in which these claims have been justified or tested by the equipment manufacturer or installer.

must be maintained for five years from the date of installation;

- b) The results of any sampling, testing or monitoring must be maintained for at least one year, except that the results of tank tightness testing conducted in accordance with Section 170.530(c) must be retained until the next test is conducted; and
- c) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on-site must be maintained for at least one year after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained for five years from the date of installation.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.560 Reporting of Suspected Releases

Owners and operators of UST systems must report to the Illinois Emergency Services and Disaster Agency within 24 hours, and follow the procedures in Section 170.580 for any of the following conditions:

- a) The discovery by owners, operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water);
- b) Unusual operating conditions observed by owners or operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking and is immediately repaired or replaced; and
- c) Monitoring results from a release detection method required under Sections 170.510 and 170.520 that indicate a release may have occurred unless:
 - 1) The monitoring device is found to be defective and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or
 - 2) In the case of inventory control, a second month of data does not confirm the initial result.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.570 Investigation Due to Off-Site Impacts

When required in writing by the Office of the State Fire Marshal, owners and operators of UST systems must follow the procedures in Section 170.580 to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that have been observed by the Office of the State Fire Marshal or brought to its attention by another party.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.580 Release Investigation and Confirmation Steps

Unless corrective action is initiated in accordance with 40 CFR 280, Subpart F, incorporated by reference in Section 170.410, owners and operators must investigate and confirm all suspected releases of regulated substances requiring reporting under Section 170.560 within seven days, using the following procedures:

- a) System test. Owners and operators must conduct tests [according to the requirements for tightness testing in Sections 170.530(c) and 170.540(b)] that determine whether a leak exists in that portion of the tank that routinely contains product, or the attached delivery piping, or both.
 - 1) Owners and operators must repair, replace or upgrade the UST system and begin corrective action in accordance with 40 CFR 280, Subpart F, incorporated by reference in Section 170.410, if the test results for the system, tank or delivery piping indicate that a leak exists;
 - 2) Further investigation is not required if the test results for the system, tank and delivery piping do not indicate that a leak exists, and if environmental contamination is not the basis for suspecting a release;
 - 3) Owners and operators must conduct a site check as described in subsection (b) if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.
- b) Site check. Owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, owners and operators must consider the nature

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of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of ground-water, and other factors appropriate for identifying the presence and source of the release.

1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners and operators must begin corrective action in accordance with 40 CFR 280, Subpart F, incorporated by reference in Section 170.410;

2) If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.590 Reporting and Cleanup of Spills and Overfills

a) Owners and operators of UST systems must contain and immediately clean up a spill or overfill and report to the Illinois Emergency Services and Disaster Agency within 24 hours, and begin corrective action in accordance with 40 CFR 280, Subpart F, incorporated by reference in Section 170.410, in the following cases:

1) Spill or overfill of petroleum that results in a release to the environment that exceeds 25 gallons, or that causes a sheen on nearby surface water; and

2) Spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under 40 CFR 302.4 and 302.5, incorporated by reference in Section 170.410.

b) Owners and operators of UST systems must contain and immediately clean up a spill or overfill of petroleum that is less than 25 gallons, and a spill or overfill of a hazardous substance that is less than the reportable quantity. In doing so, procedures specified in Section 170.610 (a) through (d) shall be complied with. If cleanup cannot be accomplished within 24 hours, owners and operators must immediately notify the Illinois Emergency Services and Disaster Agency (ESDA). Under 40 CFR 302.6, incorporated by reference in Section 170.410, a release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center (800/424-8800). In addition, 35 Ill. Adm. Code 750.430 requires notification of ESDA (800/782-7860).

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(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.600 Initial Response for UST Systems Containing Petroleum of Hazardous Substances

Upon confirmation of a release in accordance with Section 170.580 or after a release from the UST system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release:

a) Report the release to the Illinois Emergency Services and Disaster Agency (e.g., by telephone or electronic mail);

b) Take immediate action to prevent any further release of the regulated substance into the environment; and

c) Identify and mitigate fire, explosion and vapor hazards.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.610 Initial Abatement Measures and Site Check

Unless directed in writing to do otherwise by the Office of the State Fire Marshal, owners and operators must perform the following abatement measures:

a) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment;

b) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the released substance into surrounding soils and ground-water;

c) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements);

d) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator must comply with applicable State and local requirements; and

e) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by Section 170.580(b) or the removal site

assessment of Section 170.640(a). In selecting sample types, sample locations and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to ground-water, and other factors as appropriate for identifying the presence and source of the release.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.620 Temporary Closure of Out-of-Service UST Systems

a) The owner of an UST system in a state of non-use who wants the system classified as temporarily out of service, shall submit a written statement in accordance with Section 170.670.

b) When an UST system is temporarily closed, owners and operators must continue operation and maintenance of corrosion protection in accordance with Section 170.460, and any release detection in accordance with Sections 170.500 through 170.550. Sections 170.560 through 170.610 and 40 CFR 280, Subpart F, incorporated by reference in Section 170.410, must be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.

c) When an UST system is temporarily closed for three months or more, owners and operators must also comply with the following requirements:

- 1) Leave vent lines open and functioning; and
- 2) Cap and secure all other lines, pumps, manways and ancillary equipment.

d) When an UST system is temporarily closed for more than 12 months, owners and operators must remove the UST system if it does not meet either performance standards in Section 170.420 for new UST systems or the upgrading requirements in Section 170.430, except that the spill and overfill equipment requirements do not have to be met. Owners and operators must remove the substandard UST systems at the end of this 12-month period in accordance with Sections 170.630 through 170.660, unless the Office of the State Fire Marshal provides in writing an extension of the 12-month temporary closure period. Owners and operators must complete a site assessment in accordance with Section 170.640 before such an

extension can be applied for, and submit the request for an extension and the site assessment in writing to the Office of the State Fire Marshal within that 12-month period.

e) Temporarily out of service tanks may be left in place for a period of two years commencing from the date of non-use, provided the criteria, as specified in this Section, are complied with during the first year of such non-use. An underground storage tank abandoned for a one-year period that is not in compliance with those criteria may not then comply and be classified as temporarily out of service.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.630 Change-in-Service of UST Systems

Continued use of an UST system to store a non-regulated substance (so that it is no longer classified as an UST system) is considered a change-in-service. Before a change-in-service, owners and operators must empty and clean the tank by removing all liquid and accumulated sludge, and conduct a site assessment in accordance with Section 170.640. However, a change-in-service may only occur during the first two years, commencing with the date of installation of the tank.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.640 Assessing the Site at Removal or Change-in-Service of UST Systems

a) Before removal or a change-in-service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, owners and operators must consider the method of removal, the nature of the stored substance, the type of backfill, the depth to ground-water and other factors appropriate for identifying the presence of a release. The requirements of Section 170.640 are satisfied if one of the external release detection methods allowed in Section 170.530(e) and (f) is operating in accordance with the requirements in Section 170.530 at the time of removal, and indicates no release has occurred.

b) If contaminated soils, contaminated ground-water, or free product as a liquid or vapor is discovered under subsection (a), or by any other manner, owners and operators must begin corrective action in accordance with 40 CFR 280, Subpart F, incorporated by reference in Section 170.410.

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(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.650 Applicability to Previously Removed UST Systems

When directed in writing by the Office of the State Fire Marshal, the owner and operator of an UST system removed before December 22, 1988 must assess the excavation zone (including, if so ordered, re-excavating and assessing the site where the tank had been located) in accordance with Section 170.640 if release from the UST may have, in the judgment of the Office, pose a current or potential threat to human health and the environment.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.660 Removal or Change-in-Service Records

Owners and operators must maintain records in accordance with Section 170.490 that are capable of demonstrating compliance with removal and change-in-service requirements under Sections 170.620 through 170.670. The results of the excavation zone assessment required in Section 170.640 must be maintained for at least three years after completion of removal or change-in-service in one of the following ways:

- a) By the owners and operators who took the UST system out of service;
- b) By the current owners and operators of the UST system site; or
- c) By mailing these records to the Office of the State Fire Marshal if they cannot be maintained at the facility where the tank has been removed.

(Source: Added at 13 Ill. Reg. 5669 effective April 21, 1989)

Section 170.670 170.75 Abandonment of Underground Storage Tanks--or-Change of-Occupancy

For the purposes of this Section, "abandonment" is defined as the relinquishing of the property to other uses or non-use for one year or non-use. However, if the owner of the property states that the property will be reused as a service station within a 12 month period, the facility will not be considered abandoned until the end of a 2 year period.

- a) Temporarily out-of-service tanks may be left in place up to one year provided that:

- 1) All products are removed;
- 2) The tank is filled with a solution of water and inerting

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~~chemicals to reduce the oxygen content in the enclosed space to a concentration at which combustion cannot take place;~~

- 3) ~~All fill, gauge, suction or other lines, except vents, are capped.~~

b) a) Permanent Abandonment (more than one year). Tanks abandoned for more than one year shall be removed from the site unless a waiver is granted pursuant to subsection (e) (d) below. The process for such abandonment shall be:

- 1) Remove all flammable or combustible liquids from tank and from connecting lines.
- 2) Disconnect piping at all tank openings.
- 3) Remove all sections of connecting lines which are not to be used further, and cap or plug all tank openings.
- 4) Remove tanks from ground and.
- 5) After removal, the tank may shall be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises as required by NFPA 327, incorporated by reference in Section 170.410, (1982) or may shall be transported to an area not accessible to the public and the gas freeing completed at that location.

e) b) Disposal of Tanks.

- 1) If a tank is to be disposed of as junk, it shall be retested for flammable vapors, and if necessary, rendered gas free (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion). After junking and before releasing to junk dealer, a sufficient number of holes or openings (at least 2% two percent of the total surface area of the tank) shall be made in it to render it unfit inoperative for further use as an UST. NFPA 327, (1982) "Standard-Procedure for Cleaning or Safeguarding Small Tanks and Containers" incorporated by reference in Section 170.410, provides information on safe procedures for such an operation.

- 2) Notice of removal of abandoned tanks shall be given to the Office of the State Fire Marshal, Division of Fire-Prevention Petroleum and Chemical Safety, in writing, at least one week

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prior to the removal, giving the location of the underground tank, the size of the tank, and any other information which would help identify which tank has been removed if there is more than one tank underground at that location. If any emergency exists where life safety or ground water is threatened verbal approval shall be given to remove a tank; however, a notice in writing must be received by this Office within one week after removal. Examples of such an emergency may include, but are not limited to, volatile gas accumulation and leaking tanks.

d) Abandoned tanks filled with sand or pea gravel prior to October 1, 1985, need not be removed; however, the owner(s) must provide documentation of fill material and date of fill. The contractor who did the fill, or a statement from the inspector who inspected the tank. Such documentation is due upon request by the Office of the State Fire Marshal.

e) Waiver of the removal requirement for underground tanks shall be granted where it would be infeasible to remove the tank due to loss of adjacent and/or adjacent support of nearby structures, railroad tracks, streets as defined in Section 1-201 of the Illinois Vehicle Code (Ill. Rev. Stat. 1985 1987, ch. 95 1/2, par. 1-201) or other tanks. The following criteria must be met:

- 1) A complete drawing, or plan of the area must be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines and buildings.
- 2) A statement of need shall be provided, which includes but is not limited to facility name and location, number and size of tanks involved, and an explanation of why the waiver is requested.
- 3) The tanks shall be filled with inert material (not concrete), such as sand, soil products (such as clay, gravel and bentonite) or other materials specifically approved by the Office. The procedure for filling shall be in accordance with Sections 3.1 through 3.5, and 4.1.1 of the American Petroleum Institute's document entitled API Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks", incorporated by reference in Section 170.410 (API 1604) (1987). This incorporation by reference shall contain no later edition or amendments. This document is on file for public inspection at the Springfield and Chicago offices of the Office of the State Fire Marshal.

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Copies may be obtained from the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C., 20005.

4) Where a tank is allowed to be abandoned in place due to loss of support of ~~adjacent tanks~~, as specified in this subsection, the tank(s) shall be removed when the support is no longer needed, -- ~~this shall be when the tank object(s) needing support is abandoned no longer in need of support or has been removed.~~

5) When underground tanks are ~~is~~ abandoned in place, the owner of the tank shall keep a permanent record of the tank location, the date of abandonment, and the method of conditioning the tank for abandonment and forward a copy of same such record to the Office and.

6) Persons seeking a waiver shall provide all documentation required in this subsection to the Underground-Storage-Tank Coordinator of the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety. Only the State Fire Marshal or the Underground-Storage-Tank Coordinator Director of the Division of Petroleum and Chemical Safety shall grant such a waiver.

(Source: Section 170.670 renumbered from Section 170.75 and amended at Ill. Reg. 5669, effective April 21, 1989.)

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TABLE A SCHEDULE FOR PHASE-IN OF RELEASE DETECTION

Year system was installed	Year when release detection is required (By December 22 of the year indicated)			
	1989	1990	1991	1992
Before 1965 or date unknown.	RD*	P		
1965-69.....		P/RD		
1970-74.....		P	RD	
1975-79.....		P		RD
1980-88.....		P		RD

New tanks (after April 21, 1989) immediately upon installation.

*Except for heating oil tanks and emergency power generator tanks, the first year when release detection is required is 1990.

P=Must begin release detection for all pressurized piping in accordance with Sections 170.510(b)(1) and 170.520(b)(4).

RD=Must begin release detection for tanks and suction piping in accordance with Sections 170.510(a) and (b)(2) and 170.520.

TABLE B MANUAL TANK GAUGING: WEEKLY AND MONTHLY STANDARDS

Nominal tank capacity	Weekly standard (one test)	Monthly standard (average of four tests)
550 gallons or less.	10 gallons.....	5 gallons.
551-1,000 gallons.	13 gallons.....	7 gallons.
1,001-2,000 gallons.	26 gallons.....	13 gallons.

(Source: Added at 13 Ill. Reg. 5669, effective April 21, 1989)

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1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Adopted Action:

140.525 Amendment
140.896 New Section

4) Statutory Authority:

89 Ill. Adm. Code 140.525

Sections 5-5.5(b)(3) and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.5(b)(3) and 12-13)

89 Ill. Adm. Code 140.896

Sections 5-5.1 through 5-5.7 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 through 5-5.7)

5) Effective Date of Amendments: April 10, 1989

6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 10, 1989

9) Notice of Proposal Published in Illinois Register:

89 Ill. Adm. Code 140.525

October 28, 1988 (12 Ill. Reg. 17172)

89 Ill. Adm. Code 140.896

July 15, 1988 (12 Ill. Reg. 11701)

10) Has JCAR issued a Statement of Objections to these rules?
No

11) Differences between proposal and final version:

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89 Ill. Adm. Code 140.525

Pursuant to discussions with the Joint Committee the new language in 140.525(b)(2)(c) and (b)(4) was changed to read as follows:

In the event of a change in licensee, QUP payments will be reinstated effective with the date of licensure, if the new licensee has complied with the corrective action plan (as determined by IDPH) related to the identified Type A violation(s) charged to the previous licensee as specified by IDPH.

89 Ill. Adm. Code 140.896

Several changes were made to Section 140.896 during the first notice period. Section 140.896(a) is revised to provide greater clarity as to the categories of facilities that will receive reimbursement under this rule, as follows:

- a) The following categories of facilities or distinct parts of facilities, excluding state operated facilities for the developmentally disabled, will be reimbursed for an active treatment program for each client, effective July 1, 1988.

Section 140.896(b) is revised to describe the manner in which, and by whom, information regarding the four determinants (from which the reimbursement level will be derived) will be gathered, as follows:

- b) Facility program reimbursement levels will be derived from four determinants which in combination will result in a total facility program per diem amount. These four determinants will be determined and validated according to information provided in the most recent Inspection of Care (IOC) conducted by Department Health Facility Surveillance Nurses (HFSN). Where dollar, wage, or salary amounts are used, these shall be inflated to the fiscal year for which reimbursement will be made.

Section 140.896(b)(1)(A) is revised to achieve facility consistency by providing a definition of the term "mental retardation", and in the determination of mental retardation levels by requiring an assessment of each client's adaptive behaviors according to a nationally

standardized assessment instrument. This change also indicates staff who can perform such an assessment.

Determination of levels of mental retardation, in accord with the definition of the American Association of Mental Retardation, will include an assessment of adaptive behaviors using a nationally standardized, Department approved assessment instrument, such as the Scales of Independent Behavior (SIB) or the Inventory For Client and Agency Planning (ICAP). Such an assessment instrument will be utilized by at least one Qualified Mental Retardation Professional (QMRP) to evaluate each client's functional skills and adaptive behaviors.

Section 140.896(b)(1)(A)(i) is revised to provide clarity by substituting the letters (a), (b), etc., for the terms first, second, etc. This paragraph is also revised by changing "aide hourly wage" to "aide hourly wage factor" to eliminate the implication of a required hourly wage for habilitation aides in Illinois, as follows:

- i) The amount for Direct Services for these staffing ratios shall be obtained by (a) determining the number of clients within each level of mental retardation, (b) dividing each number by the client component of the staff: client ratio, (c) summing these quotients, (d) multiplying the sum by the aide hourly wage factor, and then by 2080 (52 weeks times 40 hours per week), to obtain a total annual Direct Service cost, and (e) dividing this total by 365 days and then by the number of clients to obtain the amount for Direct Services per client per day.

Section 140.896 (b)(1)(B)(ii) is revised by changing "hourly nurse wage" to "hourly nurse wage factor" for the reason given in the preceding paragraph.

- ii) The licensed nurse component is computed similarly to the method in Section 140.896(b)(1)(A). The amount for Licensed Nurses for each facility type shall be obtained by dividing the number of clients in the facility by the client component of the nurse:client ratio, to obtain the required nursing staff. This amount is multiplied by the hourly nurse wage factor and then by 2080 (52 weeks x 40 hours). The product is divided by 365 and then by the number of clients.

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Section 140.896(b)(3)(B) is revised by changing the hourly wage used to provide a calculation example, from \$6.00 to \$5.00. This change was made to prevent an unrealistic expectation on the part of the providers, relative to the Department's budgetary constraints.

- B) The total reimbursement amount for Specialized Care shall be the sum of the amounts determined under Section 140.896(b)(3)(A), pro-rated over the number of eligible clients identified in the most recent facility reimbursement survey. For example, if the hourly wage factor is \$5.00, a facility of 10 residents, two of whom are non-ambulatory with no medical needs, will receive an amount of \$1.00 per client per day ($\$5.00 \times 2 = \10.00 divided by 10 = \$1.00).

Section 140.896(b)(4) is revised by changing the method for determining a payment amount for related costs. These changes were made for several reasons. First, the computation involving the Health Service Area was relocated to precede the computation which involves multiplication by a constant for each facility type. Since the HSA refers to wages and salaries, it is now placed appropriately in conjunction with rate calculations which relate to salaries and wages. The second change involves the exclusion of the interdisciplinary team (IDT) from the HSA calculation. Since some of the IDT members are consultants, and the IDT does not function on a daily basis as facility staff members do, the IDT should not be affected by the HSA factor. These changes are as follows:

An amount per client per day will be paid for other program costs, including program - related supplies, consultants, and similar items. For each facility type, this amount will be determined as follows. Add the amounts determined for Section 140.896(b)(1),(2) and (3), but excluding the amount for the IDT (Section 140.896(b)(2)(B)), and then multiply this sum by the facility's Health Service Area (HSA) factor. The product plus the amount for the IDT (Section 140.896(b)(2)(B)), is then multiplied by a constant for the facility type, as follows:

Section 140.896(b)(5) is revised by relocating the HSA factor to 140.896(b)(4), as described in the preceding paragraph, and by providing each facility with the

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guarantee of a total program per diem rate increase of at least 3% over the facility's program rate during FY'88, as follows:

- 5) Total Program Per Diem - Total program per diem for each facility will be determined by the calculation which results in the greatest reimbursement amount, as follows:
- A) The program rate will be the sum of the amounts from Section 140.896(b)(1),(2),(3) and (4), or
- B) The program rate will be set at an amount which is 3% greater than the facility's program rate during FY88.

Section 140.896(b)(3)(A)(i) is revised by deleting the word "handicaps" and inserting the word "disabilities" in its place, as follows:

- i) Clients with sensory deficits (visual and auditory), physical disabilities, and/or behavioral disabilities - .5 hours FTE Direct Service per day.

Section 140.896(b)(1)(B)(i) is revised by deleting the word "or", so that facilities must comply with both HCFA and DPH nurse staffing standards.

- i) Facilities must be in compliance with HCFA and Illinois Department of Public Health (IDPH) staffing standards relative to facility type.

The following changes were made pursuant to discussions with the Joint Committee.

Cross-referenced 42 CFR 442.430 in Section 140.896(b)(1)(A).

A cross-reference was made to the appropriate HCFA (42 CFR 483.460) and IDPH staffing standards for the various facility types (Section 350.1230) in Section 140.896(b)(1)(B)(i).

Section 140.896(b)(2)(A) was revised by adding a definition of a QMRP, including his qualifications, to state:

Qualified Mental Retardation Professional - a person who has at least one year of experience working

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directly with persons with mental retardation or other developmental disabilities, and is one of the following:

- i) A doctor of medicine or osteopathy.
- ii) A registered nurse.
- iii) An individual who holds at least a bachelor's degree in one of the professional categories listed: Occupational Therapist; Physical Therapist; Psychologist, Master's Degree; Social Worker; Recreation Specialist; Registered Dietitian; Human Services, including but not limited to Sociology, Special Education, Rehabilitation Counseling, and Psychology. (42 CFR 483.430)

Defined IDT, in Section 140.896(b)(2)(B), to state:

Interdisciplinary Team - A team which represents the professions, disciplines, or service areas that are relevant to identifying the client's needs and designing programs that meet the client's needs. Appropriate facility staff must participate in interdisciplinary team meetings. Participation by other agencies serving the client is encouraged. Participation by the client, his or her parent (if the client is a minor), or the client's legal guardian is required unless the participation is unobtainable or inappropriate. (42 CFR 483.440)

Clarified the purpose of ADSS in Section 140.896(b)(2)(C) to state:

Additional Direct Services Staff - Staff which is in addition to HCFA's minimum average daily staffing standards (Section 140.896(b)(1)(A), and for which the Department will provide reimbursement to ensure the delivery of active treatment. Examples of ADSS include, but are not limited to, staff who provide activity services, dietetic aides, and music therapists.

Modified Section 140.896(b)(3)(A)(ii) to clarify high personal care.

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High Personal Care means one or more of the following: assistance with bathing, clothing, continence and mobility; position changes at two hour intervals, or as specified in the client's individual program plan; range of motion twice a day, or as specified in the client's individual program plan.

Amended Section 140.896(b)(3)(A)(iii) to state its determination of high medical needs:

High Medical Needs means one or more of the following: daily intermittent catheterization; care for wounds including stage III and IV decubitus ulcers, deep wounds, infected wounds, extensive burns, or extensive lesions requiring treatment in the form of medications, dressings, whirlpool, ultraviolet light and/or irrigations; respiratory care including tracheotomy care, positive pressure breathing treatments, aerosol therapy, postural drainage and percussion, vibration and/or suctioning; feeding via nasogastric tube, or prolonged oral feeding.

Section 140.896(b)(3)(B) was revised by correcting "Section 140.896(c)(3)(A)" to state "Section 140.896(b)(3)(A)".

Section 140.896(b)(1)(A) was amended to state:

Direct Services - Facilities must be in compliance with the Health Care Financing Administration's (HCFA) (42 CFR 442.430) minimum average daily staffing standards relative to client population by level of mental retardation:

Level of Retardation	FTE* Staff : Client Ratio
Mild	1:5
Moderate	1:2.5
Severe or Profound	1:2

*FTE = Full Time Equivalent

Determination of levels of mental retardation, in accord with the definition of the American Association of Mental Retardation (Mental Retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the

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developmental period), will include an assessment of adaptive behaviors using a nationally standardized, Department approved assessment instrument, such as the Scales of Independent Behavior (SIB) or the Inventory for Client and Agency Planning (ICAP). Such an assessment instrument will be utilized by at least one Qualified Mental Retardation Professional (QMRP) to evaluate each client's functional skills and adaptive behaviors. Facilities wishing to use assessment instrument other than the SIB or ICAP must submit the instrument and a written request for approval to the Chief of the Office of Developmental Disability Services.

Section 140.896(b)(4) was amended to state in Part: "other items necessary for the delivery of active treatment to clients in accordance with their individual program plans."

Cross-referenced HSA factors in Section 140.896(b)(4) by amending the rule to state: "grouping (Section 140.896(b)(3)(A) and (B))."

Deleted the period after "(ADSS)" in line one in Section 140.896(b)(2)(C) and added in its place a "-" to be consistent with Section 140.896(b)(2)(A) and (B).

Placed a hyphen between the "n" and "a" in nonambulatory" in line one of Section 140.896(b)(3)(A)(ii).

Added "in" after "\$5.00" in line 7 and the "the facility" after "needs" in line 9 in Section 140.896(b)(3)(B).

The following changes were made in response to comments received from Mimi Griffiths of the Administrative Code Division of the Secretary of State's Office.

Headings for Section 140.896 were corrected so that all headings matched exactly.

Revised Section 140.896(b)(1)(A), by moving the small table to the right 1/2 inch.

In Sections 140.896(b)(1)(B)(ii), (b)(2)(C), (b)(3)(B), (b)(4) and (b)(5), changed "Section 140.896" to "subsection".

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Revised Section 140.896(b)(4), by moving the small table to the right 1/2 inch.

To comply with Administrative Code Division requirements, certain stylistic numbering and indentation changes were made to Section 140.896.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. To comply with Administrative Code requirements certain stylistic numbering and indentation changes were made to 140.896.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.16	Amendment	March 10, 1989 (13 Ill. Reg. 2937)
140.17	Amendment	March 10, 1989 (13 Ill. Reg. 2937)
140.20	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.21	Amendment	March 17, 1989 (13 Ill. Reg. 3295)
140.43	New Section	December 2, 1988 (12 Ill. Reg. 19868)
140.110	New Section	July 15, 1988 (12 Ill. Reg. 11701)
140.400	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.435	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.436	Amendment	December 16, 1988 (12 Ill. Reg. 20714)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.440	Amendment	December 30, 1988 (12 Ill. Reg. 22329)
140.526	Amendment	February 3, 1989 (13 Ill. Reg. 1420)
140.642	Amendment	November 28, 1988 (12 Ill. Reg. 19613)

15) Summary and Purpose of Amendments:89 Ill. Adm. Code 140.525

This rulemaking provides that in the event of a change in licensee, QIP payments will be reinstated effective with the date of the new provider agreement, provided that, the new licensee has complied with the corrective action plan as determined by the Illinois Department of Public Health and related to the identified Type A violation(s) charged to the previous licensee.

89 Ill. Adm. Code 140.896

Specifies the rate which DD facilities will receive for program costs. Both rules are to be effective on July 1, 1988.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: 100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762

Telephone: 217/782-233

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1
140.2
140.3

Incorporation By Reference
Medical Assistance Programs
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

140.4

Covered Medical Services Under GA and AMI
Medical Services Not Covered
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year

140.8

Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy

140.9

Medical Assistance Provided to Incarcerated Persons

140.10

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section
140.11
140.12
140.13
140.14

Enrollment Conditions for Medical Providers
Participation Requirements for Medical Providers
Definitions
Denial of Application to Participate in the Medical Assistance Program

140.15

Recovery of Money

140.16

Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program

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AUTHORITY: Implementing Article III of the Illinois Health
Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par.
6503-1 et seq.) and implementing and authorized by Articles
III, IV, V, VI, VII and Section 12-13 of the Illinois Public
Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1
et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10,
1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374,
effective July 6, 1982; emergency amendment at 6 Ill. Reg.
8508, effective July 6, 1982, for a maximum of 150 days;
amended at 7 Ill. Reg. 681, effective December 30, 1982;
amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at
7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill.
Reg. 8271, effective July 5, 1983; emergency amendment at 7
Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150
days; amended at 7 Ill. Reg. 8540, effective July 15, 1983;
amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended
at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory
amendment at 7 Ill. Reg. 15047, effective October 31, 1983;
amended at 7 Ill. Reg. 17358, effective December 21, 1983;
amended at 8 Ill. Reg. 254, effective December 21, 1983;
emergency amendment at 8 Ill. Reg. 580, effective January 1,
1984, for a maximum of 150 days; recodified at 8 Ill. Reg.
2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984;
amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended
at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8
Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg.
7258, effective May 16, 1984; emergency amendment at 8 Ill.
Reg. 7910, effective May 22, 1984, for a maximum of 150 days;
amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at
8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment
at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of
150 days; amended at 8 Ill. Reg. 13343, effective July 17,
1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984;
Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141
at 8 Ill. Reg. 16354; amended (by adding sections being
codified with no substantive change) at 8 Ill. Reg. 17899;
peremptory amendment at 8 Ill. Reg. 18151, effective September
18, 1984; amended at 8 Ill. Reg. 21629, effective October 19,
1984; peremptory amendment at 8 Ill. Reg. 21677, effective
October 24, 1984; amended at 8 Ill. Reg. 22097, effective

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October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11137, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903,

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.525 Eligibility For Quality Incentive Program (QUIP)

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NOTICE OF ADOPTED AMENDMENTS

Section 140.525 Eligibility For Quality Incentive Program (QUIP) (Cont'd)

- a) A facility must meet basic eligibility qualifications and Quality Incentive Program (QUIP) standards to be eligible for an incentive payment(s). Staff of the Illinois Department of Public Aid (IDPA) will conduct quality incentive assessments in all skilled nursing facilities (SNF and SNF-PED) and intermediate care facilities (ICF), but excluding intermediate care facilities for the mentally retarded and developmentally disabled (ICF-MR/DD), specialized living centers (SLC), and intermediate care facilities for the mentally retarded and developmentally disabled with fifteen or fewer residents (ICF-MR/DD-15), enrolled in the Medical Assistance Program unless the facility has requested in writing that the Department not conduct the assessment or assess a specific QUIP component. The facilities identified above (ICF-MR/DD, SLC, and ICF-MR/DD-15) for exclusion from the QUIP assessment process will continue to receive QUIP payments for the reimbursement periods January 1, 1988, through June 30, 1988, and July 1, 1988, through December 31, 1988. The QUIP payment amount for each facility will be determined according to the QUIP assessment for the reimbursement period July 1, 1987, through December 31, 1987. Facilities for the developmentally disabled which did not receive a QUIP assessment for this reimbursement period, or did receive such an assessment and did not meet the required achievement level for all Parts of QUIP, may request a QUIP assessment for reimbursement periods falling between January 1, 1988, and December 31, 1988. Assessments which occur after January 1, 1988 will result in QUIP payments retroactive to January 1, 1988, or the date when all eligibility qualifications are met in the case of facilities which were not operational at the time of QUIP assessments for the reimbursement period July 1, 1987, through December 31, 1987. Compliance with all QUIP eligibility qualifications since January 1, 1988, is required of facilities for the developmentally disabled, which were operational prior to this date, requesting QUIP assessments under these provisions. Requests for such assessments must be submitted (delivered or postmarked) in writing to the Department by September 30, 1988. Intermediate care facilities for the mentally retarded and developmentally disabled (ICF-MR/DD, SLC,

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Section 140.525 Eligibility For Quality Incentive Program (QUIP) (Con'd)

and ICF-MR/DD-15) which may request a QUIP assessment are:

- 1) Facilities which did receive a QUIP assessment for the reimbursement period July 1, 1987, through December 31, 1987, but did not meet the achievement level for all Parts of QUIP.
- 2) Facilities which were not in operation at the time of QUIP assessments for the reimbursement period July 1, 1987, through December 31, 1987.
- 3) Facilities which were ineligible for QUIP at some time in 1987, and have not received QUIP payments in 1988.

b) In order to be eligible for the Quality Incentive Program, a facility must meet the five following basic qualifications. In the event that a facility is involved in a hearing or appeal regarding Section 140.525(b)(1), (2), or (4), a QUIP assessment will be conducted as regularly scheduled and the results will be handled as specified in Section 140.525(b)(1), (2), or (4).

1) Participation in the Medical Assistance Program

- A) A facility shall be currently certified for participation in the Medicaid program and have a current provider agreement as required in Section 140.11 of this Part. If the Department initiates a termination action the Department will withhold QUIP payments effective with the date the facility is notified of the administrative action and continuing during the pendency of the hearing. If the facility prevails at the hearing, and the facility is otherwise eligible for QUIP, the action will not affect the facility's QUIP eligibility, and withheld QUIP payments will be released to the facility. If the facility does not prevail at the hearing, and the facility's provider agreement is terminated or the facility is terminated from the Medical

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Section 140.525 Eligibility For Quality Incentive Program (QUIP) (Cont'd)

Assistance Program, QUIP payments will not be released, and the facility will be considered ineligible for QUIP as of the date the facility was notified of the administrative action. If the federal government initiates a termination action, QUIP payments will be withheld beginning with the date the action was initiated and continuing during the pendency of any hearing, and will be released only if the facility prevails in the hearing. Ineligibility for QUIP will occur as of the date of initiation of the federal action. Any termination action will disqualify the facility for QUIP for the remainder of the QUIP period (as defined in Section 140.528(d)) as specified above, and will disqualify the facility for QUIP for the subsequent QUIP period(s) until the facility is again eligible under this qualification. When a facility reenters the Medical Assistance Program, and remains in the Medical Assistance Program for the duration of one full QUIP eligibility period it will again be eligible for participation in QUIP.

B) If a facility voluntarily withdraws from the Medical Assistance Program, the facility will no longer be eligible for participation in QUIP, and QUIP payments will be discontinued as of the date of receipt of the notification to the Department of the voluntary withdrawal.

2) A facility shall be currently licensed as required in rules of the Illinois Department of Public Health (IDPH) at 77 Ill. Adm. Code 300.120 through 300.160; 350.120 through 350.160; or 390.120 through 390.160.

A) If IDPH takes any action to revoke, suspend, or not renew a facility's license, the facility shall become ineligible for QUIP as of the effective date of IDPH's action. Such ineligibility shall continue as described in Section 140.525(b)(2)(B) and

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Section 140.525 Eligibility For Quality Incentive Program (QUIP) (Cont'd)

(C). If the facility administratively appeals IDPH's licensure action, payments will be withheld from the date of the IDPH action and continuing for the duration of the licensure action plus the remainder of the QUIP eligibility period during which the licensure action ends, except as described in Section 140.525(b)(2)(C). If the facility prevails in such appeal, and the facility is otherwise eligible for QUIP, the facility will be eligible for QUIP as if no licensure action had occurred. If the facility does not administratively appeal IDPH's licensure action, and the action is overturned, the facility will be eligible for QUIP as if no licensure action had occurred.

B) If IDPH issues a conditional license to a facility, the facility shall become ineligible for QUIP as of the date of issuance of the conditional license. Such ineligibility shall continue for the duration of the eligibility period during which the conditional license ends. If the facility administratively appeals the issuance of a conditional license with IDPH, payments will be withheld from date of issuance of the conditional license and continuing for the duration of the licensure action plus the remainder of the QUIP eligibility period during which the conditional license ends. If the facility prevails in such appeal, and the facility is otherwise eligible for QUIP, the facility will be eligible for QUIP as if no conditional license had been issued. If the facility does not administratively appeal the issuance of a conditional license with IDPH, and the conditional license is overturned, the facility will be eligible for QUIP as if no conditional license had been issued.

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C) In the event of a change in licensee, QUIP payments will be reinstated effective with the date of licensure, if the new licensee has complied with the corrective action plan (as determined by IDPH) related to the identified Type A violation(s) charged to the previous licensee as specified by IDPH.

e)D) Any licensure action, except a conditional license by IDPH, will disqualify the facility for QUIP for the remainder of the QUIP period (as defined in Section 140.528(d)) as specified above, and will disqualify the facility for QUIP for the subsequent QUIP period(s) until the facility is again eligible under this qualification.

3) Meeting Residents' Needs

A) A facility must be meeting in the aggregate at least 92% of residents' health and habilitation needs. Illinois Department of Public Aid (IDPA) will determine compliance with this screening standard through a review of the results of the Inspection of Care (IOC) assessment which is recorded on the Evaluation of Need for Care forms (DPA 2700 and DPA 2701), as required by Subparts F and G of this Part. The number of unmet needs will be compared to the number of needs identified to verify no more than 8 percent of needs are unmet. These forms document the evaluation of the need for a variety of services that may be rendered to a resident including assistance with activities of daily living and nursing care. If the facility fails to continue to satisfy this qualification, as evidenced by an IOC, the facility will lose its eligibility for QUIP effective with the IOC Exit date. The facility will be disqualified for QUIP payment for the remainder of the QUIP period. If the

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facility begins to provide at least 92% of residents' needs as evidenced by an IOC and the facility is otherwise eligible for QUIP, the facility will be eligible for QUIP for the QUIP period immediately following the IOC.

B) Should the facility fail to satisfy this qualification for needs met, the facility has 30 days to correct needs not met, do not score (see Section 140.909(d)). If the facility corrects needs not met, do not score so that the facility is providing at least 92% of residents' needs, and the facility is otherwise eligible for QUIP, the facility will be eligible for QUIP under this qualification as of the date of correction of needs not met, do not score so that no more than eight percent of needs are unmet.

4)

A facility must have no Type A violations, as defined in 77 Ill. Adm. Code 300.330 and Section 1-129 of the Nursing Home Care Reform Act of 1979 (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-129). A facility will be ineligible for QUIP from the survey date of a Type A violation until the end of the QUIP period. When a Type A violation results in a conditional license from IDPH, the facility will be ineligible for QUIP from the survey date of the violation until eligibility for QUIP can be resumed as determined by the provisions of Section 140.525(b)(2)(B). If a facility administratively appeals the Type A violation and/or conditional license, payment shall be withheld according to Section 140.525(b)(2)(B). If the Type A violation is reduced or overturned, and the facility is otherwise eligible for QUIP, the facility will be eligible for QUIP as if the violation had not occurred. In the event of a change in licensee, QUIP payments will be reinstated effective with the date of licensure, if the new licensee has complied with the corrective action plan (as

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(QUIP) (Cont'd)

determined by IDPH) related to the
identified Type A violation(s) charged to
the previous licensee as specified by IDPH.

- 5) In order to qualify for QUIP, a facility must provide reasonable access to Medicaid patients. Access will be considered reasonable when:
 - A) Medicaid recipients constitute at least 25% of the facility's average daily census; or
 - B) The proportion of Medicaid recipients in the census has increased at least two percentage points over the previous year; or
 - C) The facility can demonstrate that it admits patients without regard to income or Medicaid eligibility or to some other criteria which in essence prioritize admissions on the basis of financial resources. The basis for determining priority of admission must be expressed in policy. Records documenting consistent application of the policy must be maintained.
 - D) Nothing in this section may be construed as prohibiting preferential treatment of admissions on the basis of diagnosis, religious, ethnic or fraternal associations, county residence or association with a continuing care program. Facilities may accord preference in admission to the above groups as long as they do not discriminate against Medicaid residents within those groups.
 - E) If a facility fails to continue to satisfy this qualification by not providing reasonable access to Medicaid recipients as described above, the facility will lose its eligibility for QUIP effective on the last day of the on-site QUIP assessment, and no further QUIP payments will be made for the remainder of the QUIP period. If the

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(QUIP) (Cont'd)

facility provides access as defined above at the time of the subsequent QUIP assessment and the facility is otherwise eligible for QUIP, the facility will be eligible for QUIP under this qualification in the subsequent QUIP period.

c) Quality Incentive Standards

- 1) A facility shall first meet the eligibility qualifications under Section 140.525(b) of this Part to be eligible for a quality incentive payment(s). The facility shall also meet one or more of five (5) quality incentive standards as set forth in Section 140.526 of this Part. A separate incentive payment is associated with each of the five quality incentive standards. The quality incentive standards are designed to be higher than those for the licensure, certification and inspection of care surveys. The standards expect a higher level of quality of service than necessary to meet minimum certification standards, set forth in 77 Ill. Adm. Code 300, 350 and 390. The standards are targeted at those aspects of a facility's care and services that can have the greatest impact on a resident's health, sense of well-being, and quality of life. Achievement of one or more standards will be based on an assessment using the QUIP assessment instrument.
- 2) A facility shall meet the level of achievement as expressed by a percentage score specified in this Section or as expressed as a number in Sections 140.526(d)(1) and 140.526(f)(2) of this Part to receive the incentive payment associated with a particular quality incentive standard. By attaining the level(s) specified, a facility succeeds in meeting a particular quality incentive standard or section of that standard. The following levels of achievement apply to all reimbursement periods commencing on or after January 1, 1988: 80% for QUIP Parts I (Section 140.526(b)), II (Section 140.526(c)), and IV

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Eligibility For Quality Incentive Program (QUIP) (Cont'd)

(Section 140.526(e)), and 70% for QUIP Parts III (Section 140.526(d)), and V(A) (Section 140.526(f)(1)).

(Source: Amended at 13 Ill. Reg. 5718, effective April 10, 1989)

SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

Section 140.896

Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled

a) The following categories of facilities or distinct parts of facilities, excluding state operated facilities for the developmentally disabled, will be reimbursed for an active treatment program for each client, effective July 1, 1988.

- 1) Intermediate care facilities for the developmentally disabled (ICF/DD).
- 2) Long term care facilities for persons under 22 years of age (SNF/PED).
- 3) Specialized living centers (SLC).
- 4) Intermediate care facilities for the developmentally disabled of fifteen (15) beds or less (ICF/DD-15).

b) Facility program reimbursement levels will be derived from four determinants which in combination will result in a total facility program per diem amount. These four determinants will be determined and validated according to information provided in the most recent Inspection of Care (IOC) conducted by Department Health Facility Surveillance Nurses (HFSN). Where dollar, wage, or salary amounts are used, these shall be inflated to the fiscal year for which reimbursement will be made.

- 1) Minimum Staffing

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Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Cont'd.)

Direct Services - Facilities must be in compliance with the Health Care Financing Administration's (HCFA) (42 CFR 442.430) minimum average daily staffing standards relative to client population by level of mental retardation:

Level of Retardation FTE* Staff : Client Ratio

Mild	1:5
Moderate	1:2.5
Severe or Profound	1:2

*FTE = Full Time Equivalent

B) Determination of levels of mental retardation, in accord with the definition of the American Association of Mental Retardation (Mental Retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period), will include an assessment of adaptive behaviors using a nationally standardized, Department approved assessment instrument, such as the Scales of Independent Behavior (SIB) or the Inventory for Client and Agency Planning (ICAP). Such an assessment instrument will be utilized by at least one Qualified Mental Retardation Professional (QMPP) to evaluate each client's functional skills and adaptive behaviors. Facilities wishing to use assessment instruments other than the SIB or ICAP must submit the instrument and a written request for approval to the Chief of the Office of Developmental Disability Services.

- i) The amount for Direct Services for these staffing ratios shall be obtained

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by: determining the number of clients within each level of mental retardation; dividing each number by the client component of the staff; client ratio; summing these quotients; multiplying the sum by the aide hourly wage factor, and then by 2080 (52 weeks times 40 hours per week), to obtain a total annual Direct Service cost; and dividing this total by 365 days and then by the number of clients to obtain the amount for Direct Services per client per day.

ii) For example, if a facility serves 40 clients with mild retardation, 30 clients with moderate retardation, and 30 clients with severe/profound retardation, the number of FTE Direct Services staff will be $(40 \text{ divided by } 5) + (30 \text{ divided by } 2.5) + (30 \text{ divided by } 1.5) = 35$. If the aide hourly wage is \$5.00, the total annual cost will be $35 \times \$5 \times 2080 = \$364,000$. The amount for FTE Direct Services per client per day will then be $\$364,000 \text{ divided by } 365 \text{ divided by } 100 = \9.97 .

C) Licensed Nurses

i) Facilities must be in compliance with HCFA (42 CFR 483.460) and Illinois Department of Public Health (IDPH)(Section 350.1230) staffing standards relative to facility type.

Facility Type	FTE Nurse : Client Ratio
ICF/DD, SLC	1:18.75
and ICF/DD-15	
(nurses required)	
SNF/PED	1:6.25

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Facility Type	FTE Nurse : Client Ratio
ICF/DD-15 (nurses	0
not required)	

ii) The licensed nurse component is computed similarly to the method in subsection 140.896 b), 1), A). The amount for Licensed Nurses for each facility type shall be obtained by dividing the number of clients in the facility by the client component of the nurse:client ratio, to obtain the required nursing staff. This amount is multiplied by the hourly nurse wage factor and then by 2080 (52 weeks x 40 hours). The product is divided by 365 and then by the number of clients.

D) The total reimbursement amount for Minimum Staffing is the sum of the amount for Direct Staff plus the amount for Licensed Nurses.

2) Active Treatment

A) Qualified Mental Retardation Professional (QMRP) - a person who has at least one year of experience working directly with persons with mental retardation or other developmental disabilities, and is one of the following:

- i) A doctor of medicine or osteopathy.
- ii) A registered nurse.
- iii) An individual who holds at least a bachelor's degree in one of the following professional categories: Occupational Therapist; Physical Therapist; Psychologist; Master's Degree; Social Worker; Recreation

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Specialist; Registered Dietitian; and Human Services, including but not limited to Sociology, Special Education, Rehabilitation Counseling, and Psychology. (42 CFR 483.430)

- iv) The amount for QMRPs assumes that a full-time QMRP is required for every 30 clients. This amount is computed to be \$1.83 per client per day.

B) Interdisciplinary Team (IDT)

- i) The amount for services rendered by the IDT assumes that each client requires one day of IDT services per year. This amount is computed to be \$1.82 per client per day.

- ii) Interdisciplinary Team - A team which represents the professions, disciplines, or service areas that are relevant to identifying the client's needs and designing programs that meet the client's needs. Appropriate facility staff must participate in interdisciplinary team meetings. Participation by other agencies serving the client is encouraged. Participation by the client, his or her parent (if the client is a minor), or the client's legal guardian is required unless the participation is unobtainable or inappropriate. (42 CFR 483.440)

C) Additional Direct Service Staff (ADSS)

- i) The amount for ADSS assumes an FTE staff: client ratio of 1:7.5. The total number of clients is divided by 7.5, and a per diem amount is obtained

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Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Cont'd.)

according to the method described in 140.896(b)(1)(A).

- ii) Additional Direct Services Staff - Staff which is in addition to HCFA's minimum average daily staffing standards (Section 140.896(b)(1)(A), and for which the Department will provide reimbursement to ensure the delivery of active treatment. Examples of ADSS include, but are not limited to, staff who provide activity services, dietetic aides, and music therapists.

- D) The total reimbursement amount for Active Treatment is the sum of the amounts for QMRP, IDT and ADSS.

3) Specialized Care

- A) An additional amount will be paid for clients in the following categories. Each client meeting the criteria of more than one category will be assigned to the one which results in the greatest reimbursement.

- i) Client with sensory deficits (visual and auditory), physical disabilities, and/or behavioral disabilities - .5 hours FTE Direct Service per day.
- ii) Non-ambulatory high personal care clients who have few or no medical needs - 1.0 hours FTE Direct Service per day. High Personal Care means one or more of the following: assistance with bathing, clothing, continence and mobility; position changes at two hour intervals, or as specified in the client's individual program plan; range of motion twice a day, or as specified in the client's individual program plan.

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iii)

Residents with high medical needs - 2 hours FTE Direct Service per day. High Medical Needs means one or more of the following: daily intermittent catheterization; care for wounds including stage III and IV decubitus ulcers, deep wounds, infected wounds, extensive burns, or extensive lesions requiring treatment in the form of medications, dressings, whirlpool, ultraviolet light and/or irrigations; respiratory care including tracheotomy care, positive pressure breathing treatments, aerosol therapy, postural drainage and percussion, vibration and/or suctioning; feeding via nasogastric tube, or prolonged oral feeding.

B)

The total reimbursement amount for Specialized Care shall be the sum of the amounts determined under Section 140.896(b)(3)(A), pro-rated over the number of eligible clients identified in the most recent facility reimbursement survey. For example, if the hourly wage factor is \$5.00 in a facility of 10 residents, two of whom are non-ambulatory with no medical needs, the facility will receive an amount of \$1.00 per client per day ($\$5.00 \times 2 = \10.00 divided by 10 = \$1.00).

4)

Related Costs

An amount per client per day will be paid for other program costs, including program - related supplies, consultants and other items necessary for the delivery of active treatment to clients in accordance with their individual program plans. For each facility type, this amount will be determined as follows. Add the amounts determined for Section 140.896(b)(1), (2) and (3),

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Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Cont'd.)

but excluding the amount for the IDT (Section 140.896(b)(2)(B)), and then multiply this sum by the facility's Health Service Area (HSA) grouping (Section 140. Table B, Section 140. Table J). The product plus the amount for the IDT (Section 140.896(b)(2)(B)), is then multiplied by a constant for the facility type, as follows:

Facility Type	Constant
ICF/DD & SLC	.10
SNF/PED	.15
ICF/DD-15	.20

5) Total Program Per Diem - Total program per diem for each facility will be determined by the calculation which results in the greatest reimbursement amount, as follows:

- A) The program rate will be the sum of the amounts from Section 140.896(b)(1), (2), (3) and (4), or
- B) The program rate will be set at an amount which is 3% greater than the facility's program rate during FY88.

(Source: Added at 13 Ill. Reg. 5718 effective April 10, 1989)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Sex Equity
- 2) Code Citation: 89 Ill. Adm. Code 829
- 3) Section Numbers: Adopted Action:
 829.10 New Section
 829.20 New Section
 829.30 New Section
 829.40 New Section
 829.50 New Section
 829.60 New Section
 829.70 New Section
 829.80 New Section
 829.90 New Section
- 4) Statutory Authority: Implementing Sections 3, 10 and 11 and authorized by Section 3 of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434, 3441, and 3442).
- 5) Effective Date of Rule(s) (Amendments, Repealer): April 11, 1989
- 6) Does this rulemaking contain an automatic repeal date?
 Yes ☒ No ☐
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 24, 1989
- 9) Notice of Proposal Published in Illinois Register:
 April 1, 1988, 12 Ill. Reg. 5990
 (issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
- A) Statement of Objection: (issue date), Ill. Reg. _____
- B) Agency Response: (issue date), Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to JCAR:

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- 11) Difference(s) between proposal and final version: Pursuant to agreements with the Administrative Code Division and staff of the Joint Committee on Administrative Rules, the following changes have been made:
- Section 11 of the Act (Ill. Rev. Stat. 1987, ch. 23, par. 3442) was included in the authority note.
 - Deleted "as needed" and substituted "annually" in 829.30(e)(2).
 - Amended Section 829.30(i) to state: "A state school shall maintain records documenting compliance with this Part, e.g., records of sex equity evaluations and plans, remediation efforts and inservice activities, athletic interest survey results, enrollment data, grievances and their disposition; such records shall be made available to Illinois State Board of Education (ISBE) enforcement authorities upon request".
 - Section 829.40(e)(5) was amended to state: "State schools will not pay for medical care directly related to pregnancy or for child care for the children of students."
 - Section 829.50(b)(2)(ii) was amended to state: "A student may be segregated by sex during participation in a contact sport, upon parental request or when the student's safety is at jeopardy."
 - "Where appropriate" was deleted from Section 829.50(c)(3).
 - "That may be present" was deleted from Section 829.50(c)(4).
 - In the definition of "Discrimination" in Section 829.10, the Sections of and the title of the Act to which the Ill. Rev. Stat. referred were added.
 - In Section 829.30(f) and (g), "subsection (a)(4) of Section 829.70" was changed to "Section 829.70(a)(4)".
 - The first letter of the word "section" in line 5 of Section 829.30(f) was capitalized.
 - The phrase "these rules" was changed to "this Part" in Section 829.30(i).

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12. Indentations were corrected throughout this Part.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation
15) Summary and Purpose of Rule(s): These rules are being adopted as the result of the State Board of Education's rules 23 Ill. Adm. Code 200, which established requirements with which schools must comply to assure equal treatment of students regardless of gender.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 829
SEX EQUITY

Section	Definitions
829.10	Applicability
829.20	Administration
829.30	Treatment of Students
829.40	Educational Programs and Activities
829.50	Counseling Services
829.60	Extracurricular Programs and Activities
829.70	Compliance and Enforcement
829.80	Effects of Other Requirements
829.90	

AUTHORITY: Implementing Sections 3, 10 and 11 and authorized by Section 3 of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434, 3441 and 3442)

SOURCE: Adopted at 13 Ill. Reg. _____, effective April 11, 1989.

Section 829.10 Definitions

"Comparable" means similar in quality and quantity, taking into consideration all relevant facts and circumstances.

"Contact Sports" means those sports whose purpose or major activity involves bodily contact: e.g., basketball, boxing, football, ice hockey, rugby, and wrestling.

"Counseling" means all guidance activities, personal counseling, guidance-related evaluation and testing, provision of vocational and career information and advice, scheduling assistance, and any other guidance services provided to students by any person acting under the authorization of a state school.

"Course" means any state school sponsored class regardless of the location of class meetings, nature of instruction, or type or age of student.

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"Discrimination" means the violation of individuals' state or federal equal rights guarantees (U.S. Constitution, Amendment 14; 20 U.S.C. 1681 et seq.; Illinois Constitution, Article I, Sections 2, 18; and Sections 10-22.5 and 27-1 of the School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 10-22.5, 27-1)), whether intended or unintended.

"Disparate Interest Levels" means that, according to the results of a state school's written student athletics interest survey, the total number of students of one sex who wish to participate in all athletics exceeds by more than 50% the total number of students of the other sex who wish to participate in all athletics. Disparate interest levels do not in and of themselves evidence discrimination.

"Disproportionate Enrollment" means that students of one sex constitute at least 75% of a school's participants in a given program, course, or activity. Disproportionate enrollment does not in and of itself evidence discrimination.

"DORS" means the Illinois Department of Rehabilitation Services.

"Equal Access" means availability of opportunity without discrimination on the basis of sex, going beyond simple admission to a course or activity to include full and unrestricted participation in educational and experiential processes.

"Prime Time" means that time period which is most desirable locally for a given activity.

"Program" means a series of courses or set of activities leading toward identified educational or experiential student outcomes.

"Sex Bias" means the attribution of behaviors, abilities, interests, values and/or roles to a person or group of persons on the basis of their sex.

"Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

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"Sexual Intimidation" means any behavior, verbal or nonverbal, which has the effect of subjecting members of either sex to humiliation, embarrassment or discomfort because of their gender.

"Significant Assistance" means the payment of dues, fees, or other remuneration in return for the provision of services or benefits, or any other collaboration that significantly facilitates the functioning of any agency, organization, or person outside a state school.

"State School" means any school operated by DORS, i.e., Illinois Children's School and Rehabilitation Center, Illinois School for the Deaf, and Illinois School for the Visually Impaired.

Section 829.20 Applicability

Nothing contained herein shall be construed as relieving a state school of its duty to comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or its implementing regulations (34 CFR 106).

Section 829.30 Administration

- a) All policies and practices of the state schools shall comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), Article I, Section 18 of the Illinois Constitution, and Sections 10-22.5 and 27-1 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 10-22.5 and 27-1).
- b) The state schools shall not discriminate on the basis of sex in the provision of programs, activities, services, or benefits. They shall guarantee both sexes equal access to educational and extracurricular programs and activities.
- c) Any individual(s) wishing to present a complaint alleging that a state school has discriminated against a student or students on the basis of their sex may do so as set forth in 89 Ill. Adm. Code 510 (Appeals).
- d) Each state school shall take reasonable measures to assure that employees, students and parents are

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informed of the School's sex equity policy and grievance procedure, e.g., through the use of policy manuals and student handbooks.

- e) Each state school shall, within one year of the effective date of this Part and at least every four years thereafter, evaluate its policies and practices in terms of the requirements of those rules to identify sex discrimination and shall develop a written sex equity plan to modify any policy or practice that does not meet the requirements of those rules and take remedial steps to eliminate the effects of any discrimination resulting from such policy or practice.

1) The sex equity evaluation shall include an examination of course enrollment data to identify any instances of disproportionate enrollment on the basis of sex and, where discrimination may have contributed to such disproportionality, the sex equity plan shall seek to redress any such disproportionality identified.

2) DORS shall assure that inservice training implementing the sex equity plan shall be provided to state school administrators and to certificated and noncertificated personnel annually.

- f) Except as provided in Section 829.70 (a)(4) a state school may not, on the basis of sex, designate or otherwise limit the use of any facility or portion thereof, related services, equipment or supplies. This Section shall not apply to shower and toilet facilities, locker rooms, dormitories, and dressing areas. All such accommodations and all related support and maintenance services shall be comparable for both sexes.

g) Except as provided in Section 829.70 (a)(4), a state school may not provide significant assistance to or enter into any agreement with any organization, group, business or individual that discriminates against students on the basis of sex.

- h) A state school shall not institute organizational changes or employment practices which would result in discrimination against students of either sex.

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- i) A state school shall maintain records documenting compliance with this Part, e.g., records of sex equity evaluations and plans, remediation efforts and inservice activities, athletic interest survey results, enrollment data, grievances and their disposition; such records shall be made available to Illinois State Board of Education (ISBE) enforcement authorities upon request.

Section 829.40 Treatment of Students

a) No student shall, on the basis of sex, be denied equal access to programs, activities, services or benefits or be limited in the exercise of any right, privilege, advantage, or opportunity.

b) A state school shall apply the same system and program admission standards for both sexes.

c) A state school shall not set quotas limiting the number of either male or female students who will be admitted to the school's programs, courses or activities unless such quotas have the effect of furthering affirmative action goals established by the school to overcome the effects of conditions that resulted in limited participation in a program or activity by persons of a particular sex.

d) Graduation requirements shall be the same for both sexes.

e) No student shall be discriminated against because of his or her actual or potential marital or parental status.

1) Pregnancy shall be treated as any other temporary disability.

2) Pregnancy or parenthood shall not be considered cause for dismissal or exclusion from any program or activity.

3) Participation in special programs provided for pregnant students or students who are parents shall be at the student's option.

4) State schools shall eliminate administrative and programmatic barriers to school attendance and school completion by pregnant students or students who are parents.

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- 5) State schools will not pay for medical care directly related to pregnancy or for child care for the children of students.
- f) No student shall be subjected to sexual intimidation or harassment by any school employee, by other students, or by the effect of any school policy or practice.
- g) A state school shall not discriminate on the basis of sex in the bestowing of awards, honors, scholarships and financial aid.
- h) A state school may not discriminate on the basis of sex in the provision of employment opportunities for students; a state school may not enter into work study or cooperative employment agreements with employers who discriminate against students on the basis of sex.
- i) The state schools' discipline policies and practices shall not discriminate on the basis of sex.

Section 829.50 Educational Programs and Activities

a) General Practices

- 1) All courses shall be open to students regardless of their sex, although students may be segregated by sex during class sessions or portions thereof which deal exclusively with human sexuality.
- 2) Students shall be advised to take courses consistent with their interests and abilities, regardless of their sex.
- 3) Neither course titles nor course descriptions shall discourage either sex from enrolling.
- 4) Course prerequisites and course requirements shall be the same for both sexes.
- 5) Course content and course objectives shall not discriminate on the basis of sex.

b) Selected Program Areas

- 1) Music

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- A) Students shall not be separated according to sex when participating in voice instruction, although divisions within a class may be established on the basis of vocal range and quality.
- B) The study of musical instruments shall be suited to students' individual interests and abilities, regardless of their sex.
- 2) Physical Education
 - A) Each physical education class shall be open equally to both sexes.
 - i) Instructional portions of all physical education classes shall be coeducational.
 - ii) A student may be segregated by sex during participation in a contact sport, upon parental request or when the student's safety is at jeopardy.
 - B) Where assignments to classes or portions of classes are based on ability levels, group composition shall be determined by objective standards of individual performance developed and applied without regard to sex, and students shall be re-grouped at appropriate intervals, e.g., when substantial changes occur in either teaching objectives or student ability levels.
 - C) If the use of a single standard for measuring skill or progress in a physical education class results in discrimination against members of either sex, appropriate standards which do not have such effect shall be used.
 - D) Neither physical education classes nor areas where such classes are conducted shall be designated by sex.
 - 3) Special Education
 - A) Special education referral, testing and placement practices shall not discriminate on the basis of sex.

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- B) Classes and related services for students with disabilities shall not discriminate on the basis of sex.

4) Gifted Education

- A) Gifted education referral, testing and placement practices shall not discriminate on the basis of sex.

- B) Programs and classes or related services for gifted students shall not discriminate on the basis of sex.

5) Vocational and Career Education

- A) Students shall be provided opportunities to acquire knowledge and understanding of vocational and career options without discrimination on the basis of sex.

- B) Materials used in vocational and career education shall not discriminate on the basis of sex.

c) Classroom Practices

- 1) Classroom practices shall not discriminate on the basis of sex.

- 2) Teaching methods shall in no way inhibit the participation of any student on the basis of sex.

- 3) The history, roles and contributions of both sexes shall be presented on a comparable basis in curricular areas.

- 4) Teachers shall employ methods designed to counteract sex bias in instructional materials.

- 5) Instructional materials shall not be discriminatory against either sex.

Section 829.60 Counseling Services

- a) Counseling services shall be provided without discrimination on the basis of sex.

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- 1) Students shall not be assigned to a counselor on the basis of sex.

- 2) Students shall be counseled to take courses and pursue careers that are consistent with their interests and abilities, regardless of their sex.

- b) Career materials used in counseling students shall not discourage, by word or image, the consideration by both sexes of all careers addressed in the materials.

- c) The content, administration, interpretation and application of appraisal instruments and associated materials shall not discriminate against students on the basis of sex.

Section 829.70 Extracurricular Programs and Activities

a) General Practices

- 1) Except as provided in subsection (b)(1)(A) of this Section, students of both sexes shall have equal access to all extracurricular programs and activities, including clubs, committees, service or honor organizations, intramural sports programs, interscholastic athletics and other after-school activities which are offered by a state school.

- 2) Except as provided in subsection (b)(1)(A) of this Section, extracurricular programs and activities offered by a state school shall not use titles which imply that membership or participation is restricted on the basis of sex.

- 3) A state school shall not provide significant assistance to any association or conference whose purpose is to organize or regulate interscholastic competition if that association or conference discriminates on the basis of sex in the provision of benefits or services to students.

- 4) State schools may cooperate with single sex youth organizations that are tax exempt and whose membership has traditionally been limited to members of one sex and principally to persons who are under 19 years of age, provided that comparable activities shall be available for both sexes.

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b) Selected Activity Areas

1) Athletics (Interscholastic and Intramural)

A) Both sexes shall be accorded equal opportunities to participate in athletic programs.

i) Single-sex teams are permitted for contact sports or when selection for team membership is based upon competitive skill, provided the interests and abilities of both sexes are accommodated.

ii) In a noncontact sport, when a team is provided only for members of one sex, members of the excluded sex must be allowed to compete for a place on the team if their overall athletic opportunities have been limited in comparison with those of the other sex.

iii) Where a coeducational team in a given sport does not accommodate the interests and abilities of members of both sexes, separate teams shall be afforded by sex. For example, if the level of interest determined pursuant to subsection (b)(1)(B) indicates that 30 students of one sex and 30 students of the other sex want to participate in a particular sport, but only one student of the first sex is able to qualify to compete while 20 students of the other sex do so, a coeducational team does not accommodate the interests and abilities of both sexes.

B) Within one year of the effective date of this Part and at least once every four years thereafter, each state school shall assess student athletics interest by administering a written survey to all students. If survey data indicate that the overall levels of student interest in the range of alternatives being provided are disparate between the sexes and such disparity may be the result of

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discrimination, the state school shall initiate efforts to reduce such disparity.

C) Based upon the results of the interest survey, existing offerings and other pertinent factors (e.g., budget, facilities, available competition, etc.), each state school shall provide comparable continuity in sports opportunities for students of both sexes (i.e., students have the opportunity to acquire skills at successive levels, over time, within a given sport).

D) The nature and extent of the athletics programs offered by a state school shall accommodate the interests and abilities of both sexes to a comparable degree. Factors to be considered in assessing program comparability include, but are not necessarily limited to, the following:

- i) selection of sports offered,
- ii) levels of competition within sports,
- iii) length of sports seasons,
- iv) scheduling of athletics opportunities throughout the calendar year,
- v) scheduling of practices and games during prime time,
- vi) use of facilities for practice and competition,
- vii) ratio of coach(es) to athletes,
- viii) quality of coaching and officiating (e.g., credentials, experience and compensation),
- ix) assignment and compensation of coaches and officials,
- x) supplies and equipment,
- xi) allowances for travel and per diem,

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- xii) medical and training services,
- xiii) publicity for teams and individual participants,
- xiv) overall distribution of athletic budget funds.

2) Music

- A) Choruses segregated by sex shall not be allowed; however, choral groups based upon vocal range and quality are allowable.
- B) Instrumental music skill acquisition and performance shall be based upon students' individual interests and abilities, regardless of their sex.

3) Speech and Drama

- A) Competitive speaking events shall be open to both sexes.

- B) Materials limited to a single sex (e.g., a monologue specific to one sex) may be used as long as comparable opportunities are provided for both sexes.

4) Miscellaneous

- A) Activities such as cheerleading, pompom squads, color guards, school safety patrol, teacher/office aides, and library assistants shall be open to students of both sexes.

- i) Participation criteria, selection procedures, or uniform restrictions which would discriminate on the basis of sex shall not be applied.

- ii) Criteria for the utilization of such groups shall not discriminate on the basis of sex.

- B) A king or queen of an activity may be selected; however, comparable opportunities for students of both sexes shall be provided.

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- C) If a state school sponsors mother-son, father-daughter, mother-daughter, or father-son activities, comparable activities shall be available for both sexes, and the special needs of children from single-parent families shall be accommodated.

Section 829.80 Compliance and Enforcement

Compliance with this Part will be subject to evaluation during the recognition process for the state schools established in 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).

Section 829.90 Effects of Other Requirements

The obligation to comply with this Part is not obviated or alleviated by any policy or regulation of any club, organization, athletic league or other association which would limit the eligibility or participation of students on the basis of their sex in any program or activity operated by any state school covered by this Part.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Clinical Social Work and Social Work Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1470
- 3) Section Numbers:
- | | |
|---------|-----------------------|
| 1470.5 | New Section |
| 1470.7 | New Section |
| 1470.10 | Amending |
| 1470.20 | Repealed, New Section |
| 1470.30 | Amending |
| 1470.70 | Amending |
- Emergency Action:

4) Statutory Authority: Public Act 85-967, effective January 1, 1989.

5) Effective Date of Amendment: April 5, 1989

6) If the emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it will expire: N/A

7) Date Filed in Agency's Principal Office: April 5, 1989

8) Reason for Emergency: These rules which implement The Clinical Social Work and Social Work Practice Act (Public Act 85-967, effective January 1, 1989) set forth licensing standards which are necessary in order to properly evaluate applications for licensure as a licensed social worker and licensed clinical social worker. Without these standards unqualified or incompetent individuals might obtain licensure, thus endangering the public interest, safety and welfare of the people of the State of Illinois.

9) A Complete Description of the Subjects and Issues Involved: These rules implement The Clinical Social Work and Social Work Practice Act. Effective January 1, 1989. This Act empowers the Department to license licensed social workers and licensed clinical social workers. These rules set forth standards for: application for licensure; application for licensure by endorsement; "grandfather" licensure for individuals who were previously licensed under the Social Workers Registration Act; individuals applying for a clinical social worker temporary license; professional experience requirements; and examination requirements. The examination to be utilized is a national examination and has two separate levels: Part II--Level B for licensed social workers and Part III--Level C for clinical social workers. The Illinois portion of the examination is no longer required.

10) Are there any proposed Amendments to this Part pending: No

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

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12) Information and questions regarding these Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

The full text of the Emergency Amendments begin on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1470
CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT
SOCIAL WORKERS-REGISTRATION-AGTSection
1470.5

EMERGENCY

1470.7

EMERGENCY

1470.10

EMERGENCY

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1470.80

1470.90

1470.100

Grandfather ProvisionsTemporary LicenseApplicationsProfessional Experience College-CertificationApproved Colleges, Universities, and Graduate Schools of Social Work ProgramsEmployer's AffidavitAdmission to ExaminationEndorsementExaminationsRestorationRenewalsGranting Variances

AUTHORITY: Implementing the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq., as amended by P.A. 85-1131, effective July 21, 1988) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Rules for the Administration of the Social Workers Registration Act, effective November 18, 1971; effective September 25, 1975; amended at 5 Ill. Reg. 946, effective January 15, 1981; codified at 5 Ill. Reg. 11067; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 9392, effective July 26, 1983; amended at 10 Ill. Reg. 19093, effective October 28, 1986; amended at 11 Ill. Reg. 9945, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 470 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1470 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2981; emergency amendments at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 day.

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Section 1470.5 Grandfather Provisions
EMERGENCY

a) Individuals who were registered and in good standing as of December 31, 1988 under the Social Workers Registration Act (Ill. Rev. Stat. 1987, ch. 111, par. 6301, et seq.), may apply for and receive a license as a Licensed Social Worker as follows:

1) Persons who will not be required to take a further examination shall:

A) have a master of social work degree from a graduate program of social work approved by the Department in accordance with Section 1470.30 of this Part; or

B) have a baccalaureate degree in social work from an undergraduate program approved by the Department in accordance with Section 1470.30 of this Part and have successfully completed at least three (3) years of supervised professional experience in accordance with Section 1470.20 of this Part.

2) Persons who do not meet the requirements set forth in subsection (1) above may obtain licensure as a Licensed Social Worker by successfully completing the examination set forth in Section 1470.70 of this Part by June 30, 1990.

b) All persons applying under subsection (a)(1) above shall file an application with the Department, on forms provided by the Department, no later than December 31, 1989, which includes the following:

1) certification of graduation from a baccalaureate degree program or master's degree program in social work approved by the Department in accordance with Section 1470.30 of this Part;

2) verification of completion of 3 years of supervised professional experience as set forth in Section 1470.20 of this Part, if applicable;

3) a complete work history since baccalaureate or master's degree education;

4) the required fee set forth in Section 13(1) of the Act.

c) Persons in subsection (a)(2) above shall apply under Section 1470.10 of this Part.

(Source: Emergency rule added at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 days)

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Section 1470.7 Temporary License
EMERGENCY

a) For those individuals applying for a temporary license as a clinical social worker pursuant to The Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat., ch. 111, par. 6351 et seq.) (the "Act") shall, in accordance with Section 12 of the Act, file an application with the Department, on forms provided by the Department, by January 31, 1990, which includes the following:

- 1) certification of a master's degree or doctoral degree in social work from an approved program of social work in accordance with Section 1470.30 of this Part;
- 2) verification that the applicant has functioned as a Clinical Social Worker or Clinical Social Work Supervisor for at least two (2) of the last five (5) years.
- 3) If the work has been part-time, the applicant must have functioned as a clinical social worker or clinical social work supervisor for 3000 hours within the last five (5) years.
- 4) Experience as an instructor of clinical social work at the graduate or doctorate level shall be considered functioning as a clinical social worker.

3) a complete work history since baccalaureate degree education; and

4) the required licensure fee set forth in Section 13(1) of the Act.

b) Temporary licenses will expire on December 31, 1991, regardless of when the license was issued.

c) Individuals holding a temporary license will be required to pass the examination set forth in Section 1470.70 of this Part by December 31, 1991.

d) Upon approval of the temporary license, the applicant will be eligible to sit for the examination set forth in Section 1470.70 of this Part. The applicant shall submit an application form along with the examination fee to the designated testing service pursuant to Section 8(2) of the Act. Upon notification to the Department by the testing service that the applicant has passed the examination and the submission by the applicant of the application form and the required fee set forth in Section 13(1) of the Act, the permanent Clinical

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Social Worker license set forth in Section 1470.30 of this Part will be issued.

(Source: Emergency rule added at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 days)

Section 1470.10 Applications
EMERGENCY

- a) An applicant for registration as a social worker or a certified social worker shall fill out a standard application form obtainable from the Department of Professional Regulation and sign it in the presence of a Notary Public, who shall then notarize it with his seal.
- b) A recent passport-size photograph (head and shoulders, only) shall accompany the application, and a duplicate photograph must be presented at the examination to secure admission.
- c) The fee provided for in Section 7 of the Illinois Social Workers Registration Act must accompany the application.
- d) An applicant who was not born in the United States shall submit with the application, his Certificate of Naturalization, Declaration of Intention, or copy of his birth registration with the American Consulate, showing he was born of American parents who were abroad at that time.
- e) An applicant must submit a certified or photostatic copy of marriage certificate, if any, supporting affidavits, if any, education, experience, citizenship, bear maiden name.

Each applicant seeking original licensure under Section 7 of the Act shall file an application, with the Department, on forms provided by the Department, at least 90 days prior to an examination date. The application shall include:

a) for a Licensed Clinical Social Worker

1) certification of graduation from a master's degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 of this Part; or

2) certification of graduation from a doctorate degree program in social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 2000 hours of satisfactory supervised clinical professional experience as set forth in Section 1470.20 of this Part.

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32 a complete work history since receipt of master's or doctorate degree education;

42 the required fee set forth in Section 13(1) of the Act.

b2 for a Licensed Social Worker

12 certification of graduation from a master's degree program of social work approved by the Department in accordance with Section 1470.30 of this Part; or

22 certification of graduation from a baccalaureate degree program of social work approved by the Department in accordance with Section 1470.30 of this Part and verification of completion of 3 years of supervised professional experience in accordance with Section 1470.20 of this Part.

32 a complete work history since baccalaureate or master's degree education;

42 the required fee set forth in Section 13(1) of the Act.

52 Individuals applying for a Licensed Social Worker license who have successfully completed Part 2-Level B of the American Association of State Social Work Boards (AASSWB) examination subsequent to October 1986 shall not be required to retake the Part 2-Level B AASSWB examination to be eligible for licensure. Those individuals shall file an application for examination along with their examination grades which shall be forwarded to the Department directly from the testing service.

c2 For persons who were registered and in good standing as of December 31, 1988, under the Social Workers Registration Act, who do not hold a degree in social work, and who are applying to take Part 2-Level B AASSWB examination, shall complete the application along with the work history form since baccalaureate degree education. These persons shall be required to take and pass Part 2-Level B of the AASSWB examination before a social worker license will be issued.

(Source: Emergency amendment at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 days)

Section 1470.20 College-Certification Professional Experience
EMERGENCY

The applicant shall submit a College-Certification form showing degree(s) received, attendance, and containing the seal of the school(s).

a2 All persons applying for licensure as a Licensed Clinical Social Worker, except for those individuals applying under the temporary clinical social worker provisions set forth in Section 1470.7 of this Part, shall be required to complete supervised professional experience pursuant to Section 9 of the Act as follows:

12 persons holding a master's degree in social work shall have completed 3000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;

22 persons holding a doctorate degree in social work shall have completed 2000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;

32 the specified number of hours may have been obtained in the following increments:

A2 for full-time experience a minimum of 30 hours per week but not more than 40 hours per week.

B2 for part-time experience a minimum of 15 hours per week but not more than 29 hours per week.

42 For purposes of this subsection supervised experience shall be experience directly related to clinical social work practice as defined in Section 3(5) of the Act:

A2 The supervisor shall have met with the applicant at least one hour each week.

B2 The supervisor shall have been a certified social worker registered under the Social Workers Registration Act with clinical experience, a licensed clinical social worker, diplomate in clinical social work, designated member of the Academy of Certified Social Workers (ACSW), or other appropriate clinical supervisor as approved by the Social Work Examining and Disciplinary Board (the "Board").

C2 The experience shall have been evaluated by the supervisor as satisfactory.

b2 Persons applying for Licensed Social Worker who have a baccalaureate degree in social work shall complete three (3) years of supervised professional experience subsequent to obtaining the baccalaureate degree. For purposes of this subsection, supervised professional experience is that experience directly related to social work as defined in Section 3(9) of the Act. The experience shall be:

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1) obtained under the direct supervision of a certified social worker registered under the Social Workers Registration Act, licensed social worker, diplomate in clinical social work, designated member of ACSW or other appropriate supervisor as approved by the Board.

2) satisfactory as evaluated by the supervisor. The supervisor shall have met with the individual at least one hour each week.

(Source: Section repealed, new Section adopted by emergency action at 13 Ill. Reg 5771 effective April 5, 1989, for a maximum of 150 days)

Section 1470.30 Approved Colleges, Universities, and Graduate Schools of Social Work Programs

EMERGENCY

a) Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education; Graduate professional schools of social work accredited by the Council on Social Work Education, New York, New York, will be approved by the Department of Professional Regulation.

b) The Department has determined that all baccalaureate and master degree programs in social work which are accredited by the Council on Social Work Education, Canadian Association of Schools of Social Work, and the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education, are approved. A baccalaureate degree from a 4-year college or university accredited by its own regional accreditation body will be approved by the Department of Professional Regulation.

c) The standards and curricula in social work of foreign schools of social work will be reviewed individually.

(Source: Emergency amendment at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 days)

Section 1470.70 Examinations

EMERGENCY

a) The examinations for Registered Social Worker and Certified Social Worker shall be the American Association of State Social Worker Boards (AASSWB), which shall be as follows:

1) Part 1--Illinois Social Welfare Laws

2) Part 2--Social Welfare--Historical and Technical Literature;

Social Welfare--Process and Methods; and Current Social Welfare Developments

b) An applicant must successfully complete, according to AASSWB standards, each part of the examination to be considered for licensure.

c) An applicant who is unsuccessful in one or both parts of the examination must retake that part(s) on which a passing score was not achieved.

d) The scores from past examinations shall not be combined with those achieved in the examination outlined in subsection (a) above for the purpose of deriving the required passing score.

The examination for Licensed Clinical Social Worker and Licensed Social Worker shall be the American Association of State Social Worker Boards (AASSWB).

a) an applicant for licensure as a licensed social worker will be required to take and pass Part 2-Level B of the AASSWB examination.

b) An applicant for licensure as a licensed clinical social worker will be required to take and pass Part 3-Level C of the AASSWB examination.

(Source: Emergency amendment at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: The Illinois Structural Engineering Act
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3) Section Numbers:
1480.20
Emergency Action:
Amending
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111, par. 6522
- 5) Effective Date of Amendment: April 5, 1989
- 6) If the emergency amendment is to expire before the end of the 150-day period, please specify the date on which it will expire: N/A
- 7) Date Filed in Agency's Principal Office: April 5, 1989

8) Reason for Emergency: In an effort to expedite the process by which the Structural Engineering Committee reviews endorsement applications, it was unanimously voted by the Committee that the oral review which is now required for every endorsement applicant be deleted. The Board will review the application and supporting documents to determine if the applicant is eligible to sit for the examination or is qualified to be licensed. If the materials are questioned or the Board would need further documentation, then the applicant would be called in for an oral interview. This would allow the Board to review all applications so as not to hamper applicants from taking the examination. The next Committee meeting is May 1989. The Committee only meets every other month to review applications and this change in the rules will allow the Committee to review more applications in order to ensure that applicants will be seated for the next available examination. The time frame involved through the normal rulemaking process would not allow the Board time to review all applications prior to the next examination if this rule is not changed immediately.

9) A Complete Description of the Subjects and Issues Involved:

The portion of the rules which required the Structural Engineering Committee to conduct an oral interview with every applicant who is applying for a structural engineering license in Illinois by endorsement has been deleted. The Department will now accept a successfully completed examination which was taken in another jurisdiction in lieu of the Illinois Structural Engineering examination. Language has been added which will allow the Committee to request an oral interview with the applicant if additional documentation is needed of the applicant's education and/or experience.

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- 10) Are there any proposed Amendments to this Part pending: No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 12) Information and questions regarding this Amendment shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

The full text of the Emergency Amendment begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1480
THE ILLINOIS STRUCTURAL ENGINEERING ACT

Section	Statutory Authority
1480.10	Licensure
1480.20	
EMERGENCY	
1480.30	Approved Education Qualifications
1480.40	Approved Experience Qualifications
1480.45	Renewals
1480.50	Restoration of Expired Certificate
1480.60	Granting of Variances

AUTHORITY: Implementing The Illinois Structural Engineering Act (Ill. Rev. Stat. 1987, ch. 111, par. 6504) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Adopted at 4 Ill. Reg. 22, page 242, effective May 15, 1980; 4 Ill. Reg., page 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5281, effective April 5, 1989, for a maximum of 150 days.

Section 1480.20 Licensure
EMERGENCY

a) Licensure By Examination

1) Application Procedure. Each applicant shall file an application, on forms supplied by the Department, at least 60 calendar days prior to an examination date. The application shall include:

- A) 2-recent-photographs, not larger than 2-1/2-by-2-1/2-inches;
- B A) Completed college certification form showing degrees received and attendance, and an official transcript of educational credit;

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6 B) Completed experience certification form(s) for the experience that the applicant is submitting to satisfy the experience requirements described in subsection (a)(2), below. Such form(s) shall be signed by the practicing structural engineer(s) who supervised the applicant; and

B C) The required fee.

2) Education and Experience Requirements. An applicant is qualified for the written examination who has graduated from:

A) An approved engineering curriculum, as defined in Section Part A-of-Rule-III-(68-III-Adm--Code 1480.30(a) of this Part, of at least 4 years and submits evidence of 4 years of structural engineering experience in the employ of or under the immediate supervision of an engineer legally practicing structural engineering, during at least 2 of which the applicant has been in charge of work in designing or construction as defined in Section Rule-IV-(68-III-Adm--Code 1480.40 of this Part; or

B) An approved college curriculum of at least 4 years, resulting in a degree basic to engineering or science as defined in Section Part-B-of-Rule-III-(68-III-Adm--Code 1480.30(b) of this Part, and submits evidence of at least 8 years of structural engineering experience in the employ of or under the immediate supervision of an engineer legally practicing structural engineering, during at least 2 of which the applicant has been in charge of work in designing or construction as defined in Section Rule-IV-(68-III-Adm--Code 1480.40 of this Part).

3) The Licensure Examination

A) The passing grade on the examination shall be an average of 75% with no grade in any division below 60%. The examination shall consist of the following 4 Divisions, each of which shall be of 4 hours duration:

Division A1 - Basic Engineering Science and General Engineering Knowledge

This Division consists of multiple choice questions and may cover any area of general engineering knowledge, physics, theoretical and applied mechanics, mathematics, construction practice, economics, codes and engineering law.

Division A2 - Basic Engineering Mechanics and Structural Theory

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This Division consists of problems to be solved in structural mechanics and analysis including dynamics.

Division B1 - Structural Design - General

This Division consists of five problems in structural design, one each in reinforced concrete, structural steel, foundation engineering, wood and masonry. Each problem constitutes 20% of the grade for this Division.

Division B2 - Structural Design - Specialized

In this Division, the examinee chooses one of three problem sets. Of the three problem sets, there will be one each dealing with structural design in reinforced concrete, structural steel and foundation engineering.

B) Registered Professional Engineers and Engineers-in-Training who have obtained registration by written examination will be exempted from Division A1 of the examination.

C) An applicant who fails the examination will be required, on his second and third examinations, to retake only those divisions on which he did not achieve a grade of at least 75%.

D) An applicant who has failed the examination 3 times is ineligible for further examination until he submits evidence of completion, subsequent to his third failure, of a course of formal study approved by the Department in an approved engineering college in the areas of the examination he has failed. For the purpose of retakes beyond the fourth examination, the fourth shall be considered the same as the first.

b) Licensure by Endorsement

1) Application Procedure. Each applicant shall file an application, on forms supplied by the Department. The application shall include the same materials required under subsection (a)(1), above for applications for licensure by examination, except that only one photograph is required. In addition, the applicant shall submit a certification of his licensure in the jurisdiction in which licensure was obtained by written examination.

2) Qualifications. Persons licensed or registered to practice structural engineering under the laws of another state or territory of the United States, or of a foreign country or province, whether registered as a structural engineer or as a

professional engineer practicing structural engineering in states which do not provide for separate registration of structural engineers, may be granted a certificate of registration by endorsement in Illinois, provided that the statutory requirements applicable to that type of engineering at the time of original licensure were substantially equal to the requirements for licensure as a structural engineer then in force in this State. The education, structural engineering experience and other qualifications of each applicant will be evaluated subject to substantial equality of requirements.

3) In the event the applicant successfully completed in another jurisdiction an examination equivalent to the Illinois Structural Engineering Licensure Examination, the applicant shall be licensed if he meets all other qualifications for licensure. Oral-Review

A) The Department may, in individual cases, upon recommendation of the Committee, waive a portion of the examination requirements set forth in this Section after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved structural engineering program, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks of structural engineering and including any other circumstance or attribute which the Committee accepts as evidence that such applicant has outstanding and proven ability in the practice of structural engineering. In order to provide background on structural engineering experience, an applicant not licensed as a structural engineer in another state and whose application materials submitted under subsection (b)(1), above are approved will be requested to appear before the Examining Committee for an oral review. The applicant shall furnish blueprints or other reproductions of plans, specifications and calculations of a major structure designed by or under the immediate supervision of the applicant within a period not greater than 10 years immediately preceding the date of application.

B) Applicants not meeting the above shall be required to take and successfully pass the Illinois Structural Engineering Examination and pay the required fee pursuant to Section 12(A)(2). These exhibits shall cover structures actually built, and the applicant shall show in written form, the extent of actual participation and the degree of responsibility exercised in the designing and construction of the projects represented by the exhibits. The written statement shall be signed by the applicant, certified by the

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- 1) Heading of the Part: Tax Increment Allocation Financing
- 2) Code Citation: 86 Ill. Adm. Code 525
- 3) Section Numbers: 525.103
Emergency Action: New Section
- 4) Statutory Authority: The Tax Increment Allocation Redevelopment Act, Ill. Rev. Stat. 1987, ch. 24, par. 11-74.4-1 et seq.
- 5) Effective Date of Rules: April 12, 1989.
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire 150 days after the effective date.
- 7) Date Filed in Agency's Principal Office: April 12, 1989.
- 8) Reason for Emergency: P.A. 85-1142, effective July 29, 1988, requires the Department to conduct a review of all TIF districts receiving state sales tax distributions. The schedule for completing this review and determining whether municipalities are eligible for continued state sales tax funding necessitates the adoption of these rules on an emergency basis.
- 9) A Complete Description of the Subjects and Issues Involved: This section sets forth the Department's policies with regard to the Department's determinations of continued eligibility for state sales tax distributions to participating municipalities authorized by the Tax Increment Allocation Redevelopment Act.
- 10) Are there any proposed amendments to this Part pending? No.
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203(b)).
- 12) Information and questions regarding this rule shall be directed to:

Pete Gudmundson
Illinois Department of Revenue
101 W. Jefferson Street
Springfield, Illinois 62794
217/785-6701

The full text of the emergency rules begins on the next page:

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engineer or architect legally in charge of the project, whichever is applicable, and notarized. These exhibits shall be brought by the applicant to the oral review and will remain the property of the applicant after the review.

- G) Exhibits--constituting evidence--of--structural--engineering experience--believed to be equivalent to those described in the preceding paragraph--will be considered in lieu of blueprints of completed structures--only--in--the--instance--where--the applicant has not had the opportunity to make blueprints, provided that approval of the substitution is granted by the Examining Committee--in advance--the nature of the proposed exhibits shall be described in detail, and the relation of the applicant to the exhibits shall be set forth in a written statement to be enclosed with the standard application form. The applicant will be advised whether the substitution will be permitted.
- 4) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Committee because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his license will be requested to: No Additional Fee--for--Examination--An applicant who fails to qualify--for registration by endorsement but who qualifies for the examination will be permitted to take the written examination for registration without an additional fee.

- A) provide such information as may be necessary; or
- B) explain such relevance or sufficiency during an oral interview; or
- C) appear for an oral interview before the Committee designed to determine the individual's qualifications to practice under the Act.

(Source: Emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for maximum of 150 days)

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 525

TAX INCREMENT ALLOCATION FINANCING

Section

525.101 Tax Increment Allocation Financing

525.102 Preliminary Compliance Review (Emergency expired)

525.103 Certification of Continued Eligibility for State Sales Tax Increment
EMERGENCY

AUTHORITY: Implementing and authorized by the Tax Increment Allocation Redevelopment Act (Ill. Rev. Stat. 1987, ch. 24, par. 11-74.4-1 et seq.)

SOURCE: Emergency rules adopted at 10 Ill. Reg. 20264, effective November 25, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 11544, effective June 18, 1987; emergency amendment at 12 Ill. Reg. 16288, effective September 27, 1988, for a maximum of 150 days; emergency expired February 23, 1989; emergency amendment at 13 Ill. Reg. 5788, effective April 12, 1989.

NOTE: Capitalization denotes statutory language.

Section 525.103 Certification of Continued Eligibility for State Sales Tax
EMERGENCY
Increment

a) Pursuant to Section 11-74.4-8a of the Tax Increment Allocation Redevelopment Act (Act) (Ill. Rev. Stat. 1987, ch. 24, par. 11-74.4-1 et seq.) the Illinois Department of Revenue (Department) is required to determine whether municipalities which have elected to receive annual distributions of net state sales tax increment authorized by the Act are eligible to continue to receive such distributions after July 1, 1989. The Department's authority is limited to making an independent determination as to whether redevelopment project areas meet the standards stated in Section 11-74.4-8a(9)(a) of the Act. No findings made by the Department pursuant to this Section are intended to comment or reflect in any way upon the legality or advisability of any specific redevelopment project or plan.

b) Preliminary Notice of Deficiency. Every municipality which received a Notice of Review pursuant to Section 525.102 will receive a Preliminary Notice of Deficiency. A Preliminary Notice of Deficiency specifies that, for each redevelopment project area within its boundaries, a municipality must take the following action in order for the Department to issue a Certificate of Eligibility to Receive State Sales Tax Increment (Certificate of Eligibility):

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1) Municipalities which have one or more redevelopment project areas which are not in compliance with the limiting standards set forth in Sections 11-74.4-8a(9)(a)(1) and (2) of the Act must amend their redevelopment project area boundaries to meet those standards.

2) For each redevelopment project area, including those that must be amended to meet the statutory standards, municipalities must submit the information specified by the Department documenting that the redevelopment project area meets the definitions of blighted or conservation areas as set forth in Section 11-74.4-3 of the Act.

c) The Department will apply the standards set forth in Sections 11-74.4-8a(9)(a)(1) and (2) of the Act as follows:

1) Only those redevelopment project areas created, or whose boundaries were amended, in 1986 will be subject to the standards;

2) The geographical boundaries used in determining the areas, equalized assessed valuations and sales tax revenues, and redevelopment project areas will be those in effect on July 29, 1988, the effective date of P.A. 85-1142, which instituted the Department's review responsibility under the Act;

3) The equalized assessed values and amounts of sales tax collected shall be those reported for 1985.

d) To meet the definition of a blighted or conservation area, a redevelopment project area must be composed of those contiguous parcels substantially benefitted by the proposed redevelopment project improvements. An appropriate number of the blighting factors and conditions set forth in Section 11-74.4-3 of the Act must have been present in the redevelopment project area when it was designated as such. For a conservation area, there must have been a probability that the redevelopment project area was in danger of becoming a blighted area. In addition, these factors and conditions must have been present to a meaningful extent, and must have been reasonably distributed throughout the redevelopment project area. Finally, the existence of the blighting factors and conditions must have been such as to support a finding that the redevelopment project area would not reasonably be developed without the use of state sales tax increment. For purposes of making the foregoing determinations the following definitions shall apply:

1) The existence of any of the following factors in a redevelopment project area at the time of its creation is an indication that blight was present, and, if present in

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combination with a sufficient number of other factors, supports the classification of the area as a blighted area or conservation area:

- A) Age - a majority of the structures more than 35 years old. For this factor "structures" means buildings, except for small, ancillary buildings designed for use or used primarily for storage or the conduct of incidental functions. When used as a factor in identifying a blighted area, as distinguished from a conservation area, age can also mean the functional unsuitability of structures or site improvements due to the passage of time, even if the structures or site improvements are less than 35 years old;
- B) Dilapidation - an advanced state of disrepair, with critical defects in primary structural components (roof, bearing walls, floor structure, and foundation), building systems (heating, ventilation, lighting, and plumbing), and secondary structural components in such combination and extent that major repair is required, or the defects are so serious and so extensive that the structure must be removed. Structures that are characterized as dilapidated cannot also be classified as deteriorated or lacking physical maintenance;
- C) Obsolescence - the condition of falling into disuse because of: characteristics limiting the use and marketability of structures; persistent or chronic market rejection; parcels of a size or shape rendering planned development in a manner compatible with contemporary standards difficult. Obsolescence may be present in site improvements (e.g. utilities, roadways) as well as structures;
- D) Deterioration - physical deficiencies or disrepair in buildings or site improvements requiring treatment or repair beyond normal maintenance;
- E) Presence of Structures Below Minimum Code Standards - structures which do not meet the standards of zoning, subdivision, building, housing, property maintenance, fire, or other governmental codes applicable to the property;
- F) Illegal Use of Individual Structures - use of structures in violation of applicable national, state, or local laws;
- G) Excessive Vacancies - buildings which are unoccupied or underutilized and which represent an adverse influence on

the area because of the frequency, extent, or duration of such vacancies. Abandoned buildings cannot be characterized as having excessive vacancies;

- H) Lack of Ventilation, Light, or Sanitary Facilities - structures which fail to provide adequate ventilation, light, or sanitary facilities as required by local building or housing codes;
 - I) Inadequate Utilities - underground and overhead utilities which are of insufficient capacity to serve the redevelopment project area; deteriorated, antiquated, obsolete, or in disrepair; or lacking;
 - J) Excessive Land Coverage - ratio of floor area to lot area in excess of zoning standards;
 - K) Overcrowding of Structures and Community Facilities - over-intensive use of property and the crowding of buildings and accessory facilities onto a site, resulting in hazards such as increased threat of spread of fires due to close proximity of buildings, or lack of proper access to a public right-of-way;
 - L) Deleterious Land-Use or Layout - incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses which may be considered noxious, offensive, or environmentally unsuitable;
 - M) Depreciation of Physical Maintenance - the effects of deferred maintenance and the lack of maintenance of buildings, improvements, and grounds;
 - N) Lack of Community Planning - initial development of the project area prior to or without the existence or benefit of a community plan, or the application of appropriate planning procedures;
 - O) Abandonment - the relinquishment of possession with the intent not to resume ownership, possession, or enjoyment. This factor may only be used when designating a conservation area.
- 2) To be considered "vacant" land which was properly classified as a blighted area, land must have met the following conditions:
- A) It must have been a parcel or combination of parcels of real property without industrial, commercial, or residential buildings;

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B) It must not have been used for commercial agricultural purposes within five years prior to its inclusion in a redevelopment project area, except that land which is included in an industrial park conservation area or which has been subdivided is not subject to this restriction.

3) Contiguous - parcels are contiguous if they are contained within a single perimeter boundary. Multiple omissions of individual parcels within the state sales tax boundary are discouraged;

4) Substantially Benefitted - parcels are substantially benefitted by redevelopment project improvements if they are included within the site of a redevelopment project, or are in such physical proximity to the redevelopment project that the parcels are beneficially affected, considering the scope and nature of the projects, beyond the benefit that accrues to a community as a whole from any redevelopment activity;

5) Present to a Meaningful Extent - a blighting factor is present to a meaningful extent within a redevelopment project area if its existence is detrimental to the public safety, health, morals or welfare of an improved area, or, if in a vacant area, it impairs the sound growth of the taxing district in which it is located;

6) Reasonably Distributed - to determine whether blighting factors are reasonably distributed throughout a redevelopment project area it is not necessary that every parcel within the area be blighted. However, any parcels, tracts, or lots which contain fewer than the requisite number of blighting factors may be included within a blighted area or conservation area only if the inclusion of such land is reasonably necessary to carry out the redevelopment plan. Large parcels or lots of improved or vacant land must include a reasonable distribution of factors throughout the parcel or lot. In addition, in designating a conservation area, "age" as an eligibility factor must be reasonably distributed throughout the entire redevelopment project area;

7) A finding that a redevelopment project area would not reasonably be developed without the use of state sales tax increment is not warranted in cases where significant private development had recently occurred or was in the process of occurring at the time the redevelopment project area was created, or in cases where significant private development had recently occurred or was in the process of occurring in areas in close proximity to the redevelopment project area, unless a reasonable basis exists for distinguishing the development

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potential of the redevelopment project area and the nearby area.
e) Responding to the Preliminary Notice of Deficiency.

1) Within 30 days of the receipt of a Preliminary Notice of Deficiency, a municipality should inform the Department that it intends to take the action indicated in the notice.

2) Within 120 days of the receipt of a Preliminary Notice of Deficiency, a municipality shall inform the Department of the actions it has taken to cure the deficiencies set forth in the notice. Municipalities should be aware that actions taken in response to the Preliminary Notice of Deficiency may be subject to the notice and public hearing requirements of the Act, and that the issuance of a Certificate of Eligibility by the Department is expressly conditioned upon compliance with those requirements.

3) Municipalities which, in order to cure the deficiencies set forth in the Preliminary Notice of Deficiency, take action requiring the conducting of a public hearing and/or adoption or amendment of one or more municipal ordinances may, prior to taking such action, obtain the Department's opinion as to whether the proposed action would result in a redevelopment project area which meets the standards of Sections 11-74.4-8a(9)(a) or (b) of the Act. The Department will be bound by written opinions it renders regarding specific boundary amendments. However, such a written opinion does not in itself constitute a Certificate of Eligibility.

f) The Department will carefully consider all documentation submitted by a municipality, and any other relevant information available to the Department, to determine whether the municipality meets the conditions for eligibility to receive state sales tax increment payments. Within 30 days of the receipt of all necessary documentation the Department will issue a Certificate of Eligibility or a Final Notice of Deficiency. A Final Notice of Deficiency will specify the reasons why a redevelopment project area fails to meet the eligibility requirements of the Act.

g) Procedure after issuance of Final Notice of Deficiency.

1) Within 30 days after receiving a Final Notice of Deficiency a municipality may protest the Department's determination and request a hearing. Such hearing shall be conducted in accordance with Sections 10, 11, 12, and 14 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq.). A request for a hearing must be in writing, and shall be sent to the Illinois Department of

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Revenue, TIF Program, 101 W. Jefferson, Springfield, Illinois, 62794.

- 2) If, within 21 days of mailing a Final Notice of Deficiency, the Department determines that, because of a failure to consider relevant documentation or for other reasonable cause the Final Notice of Deficiency should not have been issued, the Department will rescind the Final Notice of Deficiency. However, the fact that the Department may rescind a Final Notice of Deficiency has no effect on the requirement that a municipality wanting to protest the issuance of a Final Notice of Deficiency must submit a written request for a hearing within 30 days of the date the municipality receives the Final Notice of Deficiency.

(Source: Emergency rule added at 13 Ill. Reg. 5788, effective April 12, 1989, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

DEPARTMENT OF CONSERVATION

Heading of Part: The Taking of Wild Turkeys - Spring Season

Code Citation: 17 Ill. Adm. Code 710

Section Numbers: 710.20

Date Originally Published in Illinois Register: December 23, 1988
12 Ill. Reg. 20993

At its meeting on April 5, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 710.20(d) of the proposed rules of the Department of Conservation entitled "The Taking of Wild Turkeys-Spring Season" 17 Ill. Adm. Code 710, because the Department has implemented these rules prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act (IAPA), in violation of Sections 5(a) and 5.01(c) of the IAPA.

The Department of Conservation has proposed this rulemaking to amend its rules on the taking of wild turkeys in the spring season. The amendments change the dates of the spring 1989 hunting season; increase the number of permit quotas per county; add several new sites for turkey hunting; change the date of the random daily drawings for permits; and change the period during which it will accept applications for turkey hunting permits.

Section 710.20(d) of the Department's proposed rules provides that applications for spring turkey hunting permits will be accepted "January 9 through 20." The Department was asked if it has been implementing the January 9 through January 20 dates for individuals to submit applications for spring turkey hunting permits as provided in Section 710.20(d). The Department acknowledged that it has been implementing the provisions of Section 710.20(d) regarding the dates for submitting applications for spring turkey hunting permits.

Section 5(a) of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1005(a)) states that "prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Section 5.01, 5.02, or 5.03, whichever is

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF CONSERVATION
(Continued Page 2)

applicable." In this instance, the general rulemaking procedures required by Section 5.01 are applicable. Section 5.01(c) of the IAPA states that each rule hereafter adopted under this Section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The Department has failed to comply with the requirements of Section 5.01(a) and Section 5.01 prior to invoking the rule.

The Department first published its proposed rules on the taking of wild turkeys in the spring season in the Illinois Register on December 23, 1988. On February 14, 1989, the Department filled the second notice of its rulemaking with the Joint Committee. Since the Department has been enforcing the January 9 through January 20 dates during which the Department will accept applications for turkey hunting permits, it has been implementing Section 710.20(d) of its rules prior to the completion of the required rulemaking procedures.

Therefore, the Joint Committee objects to Section 710.20(d) of the proposed rules of the Department of Conservation entitled "The Taking of Wild Turkeys-Spring Season" 17 Ill. Adm. Code 710, because the Department has implemented these rules prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act (IAPA), in violation of Sections 5(a) and 5.01(c) of the IAPA.

OBJ20993

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION

ENVIRONMENTAL PROTECTION AGENCY

Heading of Part:

Procedures for Issuing Loans from the Water Pollution Control Revolving Fund

Code Citation:

35 Ill. Adm. Code 365

Section Numbers:

365.503

Date Originally Published in Illinois Register:November 14, 1988
12 Ill. Reg. 18030

At its meeting on April 5, 1989, the Joint Committee issued a recommendation concerning the above proposed rulemaking. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests to the Illinois Environmental Protection Agency that the Agency promulgate further rulemaking to amend its rules governing Procedures for Issuing Loans from the Water Pollution Control Revolving Fund (35 Ill. Adm. Code 365) to identify how limited scope projects that have no potential for negative environmental impact will be identified when the United States Environmental Protection Agency has adopted regulations governing the program.

The Illinois Environmental Protection Agency (Agency) has proposed these rules to implement a loan program to finance improvements to publicly owned wastewater treatment works. The Agency will receive federal capitalization grants from the United States Environmental Protection Agency, and the Agency must meet the requirements of the federal Water Quality Act of 1987 in developing and operating the loan program.

Section 365.503(d) states:

The Agency may identify certain classes of construction projects which, by their limited scope, preclude the potential for negative environmental impacts. The Agency may categorically exclude these projects from environmental review by providing written public notice and soliciting public comment on each project.

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ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

ENVIRONMENTAL PROTECTION AGENCY
(Continued Page 2)

The Agency was asked to explain how it will identify such projects.

The Agency representative explained that the exclusion of projects of such a limited scope to preclude negative environmental impacts will be negotiated with the United States Environmental Protection Agency (U.S. EPA) as a part of the Operating Agreement for this program. The U.S. EPA has not yet finalized its regulations governing this program, so the Agency does not yet know how the "limited scope" projects will be identified.

The present lack of information in the Agency's rules concerning the type of limited scope projects that would preclude negative environmental impacts renders the rules incomplete. However, the Agency must depend on the U.S. EPA to determine how such projects will be identified. As the U.S. EPA has not adopted its rules governing this program, the Agency does not have the information available to it at the present time. When the U.S. EPA does adopt rules, the Agency should promulgate further rulemaking so that loan recipients will be informed as to the identification of the types of projects the Agency considers to be of limited scope as to preclude negative environmental impacts.

Therefore, the Joint Committee suggests to the Illinois Environmental Protection Agency that the Agency promulgate further rulemaking to amend its rules governing Procedures for Issuing Loans from the Water Pollution Control Revolving Fund (35 Ill. Adm. Code 365) to identify how limited scope projects that have no potential for negative environmental impact will be identified when the United States Environmental Protection Agency has adopted regulations governing the program.

REC18030

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF PUBLIC AID

<u>Heading of Part:</u>	Reimbursement for Nursing Costs for Geriatric Facilities
<u>Code Citation:</u>	89 Ill. Adm. Code 147
<u>Section Numbers:</u>	147.205
<u>Date Originally Published in Illinois Register:</u>	October 28, 1988 12 Ill. Reg. 17201

At its meeting on April 5, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 147.205 of the Department of Public Aid's rules entitled "Reimbursement of Nursing Costs for Geriatric Facilities," because by changing the nursing rate methodology effective January 1, 1989, the Department has implemented this rule prior to the completion of required rulemaking procedures, in violation of Sections 4(c), 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

This rulemaking establishes a new methodology for computing nursing rates for geriatric facilities. Under the old methodology facilities that lack sufficient restorative care programs would receive less funding than in the previous rate period. The new methodology provides add on procedures so that some of these facilities will not lose any funding and others will not lose as much as if the old methodology was retained.

According to the introductory paragraph in Section 147.205, this new methodology is effective as of January 1, 1989. The Department was asked if it was in fact already implementing this new rate methodology. The Department replied that it had been implementing this rulemaking since January 1, 1989. In defense of this prior implementation, the Department maintained that without these changes many geriatric facilities would lose money. The Department further argued that the reason for its delay in getting these rules adopted prior to January 1, 1989, is that several concerned legislators and providers requested a meeting with Director Suter regarding this rulemaking. The legislators and providers were concerned that this new methodology would not provide for high enough rates. The Department explained that the Director did not wish to submit second notice on these amendments until

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF PUBLIC AID
(Continued Page 2)

such a meeting could take place and any problems could be worked out. When the Department's representative was asked which legislators requested this meeting, he responded that he did not know. This meeting took place in January 1989, and thus, second notice was not submitted until February 17, 1989, although technically it could have been submitted as early as December 13, 1988. No substantive changes have been made to the amendments as a result of this meeting.

The IAPA prohibits the Department from implementing this rule prior to its adoption notwithstanding the benefit that may be conferred on providers. It is not the subject matter of the rulemaking that is objectionable in this instance. But rather, it is the agency's failure to follow the proper procedures. Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection and filed with the Secretary of State as required by this Act." In addition, Section 5(a) of the IAPA states that "[p]rior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Sections 5.01, 5.02, or 5.03, whichever is applicable." The Department, however, did not comply with Section 5.01(c), which prescribes that a rule may not be effective until its adoption. Section 5.01(c) states that "[e]ach rule hereafter adopted under this Section is effective upon filing, unless a later date is required by statute or is specified in the rule."

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA. The Joint Committee has consistently issued objections to agencies which implement amendments prior to their adoption under the general rulemaking procedures set forth in Section 5.01 of the IAPA. The Department readily admits that it has been implementing this new rate methodology since January 1, 1989, prior to the conclusion of the general rulemaking procedures required by the IAPA.

Therefore, the Joint Committee objects to Section 147.205 of the Department of Public Aid's rules entitled "Reimbursement of Nursing Costs for Geriatric Facilities," because by changing the nursing rate methodology effective January 1, 1989, the Department has implemented this rule prior to the completion of required rulemaking procedures, in violation of Sections 4(c), 5(a) and 5.01(c) of the Illinois Administrative Procedure Act.

OBJ17201

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

ILLINOIS RACING BOARD

Heading of Part: County Fair Regulations

Code Citation: 11 Ill. Adm. Code 437

Section Numbers: 437.10, 437.20, 437.30, and 437.40

Date Originally Published in Illinois Register: January 27, 1989
13 Ill. Reg. 1099

At its meeting on April 5, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Part 437 of the rules of the Illinois Racing Board entitled "County Fair Regulations" (11 Ill. Adm. Code 437), because the Board has implemented this rulemaking prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 5(a) and 5.01(c) of the IAPA.

The Board proposed this new Part to implement Public Act 85-1170, effective August 12, 1988, which establishes the Board's authority to select two county fair associations for licensure to conduct pari-mutuel or certificate system wagering during the 1989 county fair season. The proposed rules detail the statutory scope, application procedures, Board selection criteria and the provision that all Board rules apply unless waived. The Board was asked to comment upon its procedures for notifying applicants of its intention to license two county fair associations or their agents.

The Board responded that any applicant needing information can contact the Illinois Racing Board's office for applications or assistance. The Board attended the County Fair Associations' Convention in January to distribute draft copies of its proposed rules and applications. The Board replied that the Board rules did not require the Board to implement any program, as no applications are due until April 15, 1989, by which time the Board hopes to have adopted these rules. The Board did not believe it has implemented these rules prior to adoption, as no Board determinations will be made until these rules are adopted.

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ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONILLINOIS RACING BOARD
(Continued Page 2)

While the Board may assert that no formal Board action has occurred relative to its choice of the two county fair associations to operate pari-mutuel wagering, it appears that the Board has in fact implemented at least elements of this rulemaking. As noted above, the Board distributed draft copies of rules and applications at an annual convention. While the Board may argue that such a practice was not prior implementation, but rather only an attempt to provide information to, and elicit comments from, those regulated, the Board has done more than that. The Board changed the deadline for submitting applications from March 1, 1989 to April 15, 1989, in the second notice version of the rule, perhaps hoping to avoid an objection on the basis of prior implementation. However, the change in dates just makes the Board's actions less overt. The Board has distributed applications. The Board admits that no additional applications will be distributed subsequent to the adoption of these rules. The due date of April 15, only 10 days subsequent to the Joint Committee's consideration of the rulemaking, also makes it clear that in order to apply an applicant would have to be in possession of an application and a copy of the rules long in advance of the actual adoption of rules. As a result, it seems clear that, despite the Board's protestations to the contrary, these rules have been and will be implemented in advance of their adoption.

Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rules, each agency shall accomplish the actions required by Section 5.01, 5.02 and 5.03, whichever is applicable" (emphasis added). In this instance the Board chose to implement its rules under the general rulemaking procedures of Section 5.01. Section 5.02(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The Board has failed to comply with the requirements of Section 5(a) and 5.01 prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. As previously stated, the Board readily admits that it provided copies of its rules to county fair associations at a convention in January prior to the conclusion of the general rulemaking procedures of Section 5.01 of the IAPA.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONILLINOIS RACING BOARD
(Continued Page 3)

Therefore, the Joint Committee objects to Part 437 of the rules of the Illinois Racing Board entitled "County Fair Regulations" (11 Ill. Adm. Code 437), because the Board has implemented these amendments prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 5(a) and 5.01(c) of the IAPA.

OBJ1099

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYJOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATIONSTATEMENT OF RECOMMENDATION

ILLINOIS STATE SCHOLARSHIP COMMISSION

ILLINOIS STATE SCHOLARSHIP COMMISSION
(Continued Page 2)Heading of Part: Guaranteed Loan ProgramsCode Citation: 23 Ill. Adm. Code 1720Section Numbers: 1720.40, 1720.60, 1720.75Date Originally Published in Illinois Register: November 14, 1988
12 Ill. Reg. 18114

At its meeting on April 5, 1989, the Joint Committee recommended that the Illinois State Scholarship Commission provide copies of federal Bulletins for Joint Committee review. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests to the Illinois State Scholarship Commission that the Commission routinely provide the Joint Committee with copies of the Bulletins which the United States Department of Education issues which provide federal policy changes and interpret federal regulations.

The Illinois State Scholarship Commission's Guaranteed Loan Program is being amended to reflect changes in federal policy, to update regulatory and statutory citations, and to provide clarification of current policy. Section 1720.60(a) was amended to change the 60-day delinquent benchmark to 90 days, before Lenders or Holders can obtain Illinois State Scholarship Commission's assistance in collecting loans. Section 1720.60(b) was amended to require that preclaim assistance requests be sent 80 to 100 days after the first date of delinquency. Section 1720.75 was amended to repeal the cure procedures.

The Commission was asked why it proposed these amendments to Sections 1720.60(a), 1720.60(b), and 1720.75. The Commission responded that these amendments were proposed pursuant to the Illinois State Scholarship Commission's receipt of the United States Department of Education's newsletter called 'Bulletins', which, the Commission explained, require immediate compliance from affected agencies, i.e., Lenders, Eligible Institutions, and Guarantee Agencies. The Commission is asked to routinely submit these Bulletins, which often provide the rationale for the Commission's proposed amendments, for Joint Committee review. By reviewing the Bulletins, the Joint Committee ensures that they are consistent with the policies set forth in the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.10 et

seq.) and the rules. A review of the Bulletins will also contribute to the Joint Committee's understanding of the federal programs and the rationale for amendments to the Commission's rules.

The Commission representative indicated that these Bulletins are not published as regulations, but that the Illinois State Scholarship Commission must comply with the Bulletin's requirements which contain timeframes, penalties, and provide grounds for audit exceptions. The Commission representative further noted that the Illinois State Scholarship Commission has protested the imposition of such a Federal presence absent adopted regulations, but, as yet, to no avail.

Therefore, the Joint Committee suggests to the Illinois State Scholarship Commission that the Commission routinely provide the Joint Committee with copies of the Bulletins which the United States Department of Education issues which provide federal policy changes and interpret federal regulations.

REC18114

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYJOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

OFFICE OF THE STATE FIRE MARSHAL

OFFICE OF THE STATE FIRE MARSHAL
(Continued Page 2)Heading of Part:Storage, Transportation, Sale and Use of Gasoline and
Volatile OilsCode Citation:

41 Ill. Adm. Code 180

Section Numbers:

180.10, 180.20, 180.25

Date Originally Published in Illinois Register:February 10, 1989
13 Ill. Reg. 1875

At its meeting on April 5, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to Section 180.25 of the emergency rulemaking of the Office of the State Fire Marshal entitled "Storage, Transportation, Sale and Use of Gasoline and Volatile Oils" (41 Ill. Adm. Code 180) because, by permitting local units of government to modify the rules by ordinance, the rule violates Section 4(a) of "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils," which provides that no such unit of local government may adopt any ordinances or regulations other than those identical to those of the Fire Marshal.

The Office of the State Fire Marshal promulgated this emergency amendatory rulemaking which prescribes greater laxity in its policies pertaining to storage of combustible and flammable liquids in outside aboveground tanks. Kerosene may be stored inside buildings and outside buildings if stored in tanks. Reporting procedures in the event of spills of substances regulated by this Part are also stated.

Section 180.25 of the Office's emergency rulemaking states:

Section 180.20 may be modified by any municipality or political subdivision to which it applies by any duly enacted ordinance or regulation; any such modification is limited to the respective jurisdiction of the municipality or political subdivision.

Section 180.20 is the balance of the Office's rulemaking except for one Section which defines terms. Thus, the Office has stated that the operative elements of this rulemaking may be nullified by local units of government.

Section 180.25 is captioned: "Home Rule Modification of Aboveground Storage -- Dispensing". The title of this Section is incorrect. The term "home rule" has a specific meaning in the Illinois Constitution and State Law. Contrary to the title of Section 180.25, the Office's rulemaking does not permit local autonomy in such regulatory matters for "home rule" units of government as defined under Article VII, Section 6(a) of the Illinois Constitution. "Home rule units" of government are defined in the Constitution as counties which have an elected chief executive officer or any municipality with a population of more than 25,000. The Office's rulemaking permits local autonomy for any local unit of government, rather than the much more sharply limited class of local government units categorized as "home rule units" by the Illinois Constitution.

The Office was asked to provide its statutory authority for the local autonomy provisions of Section 180.25 that permit the Office's rules to be by-passed by local governmental units. At first, the Department cited (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154) (its cited statutory authority for this rulemaking). That statute, besides a general rulemaking power (subsection (1)(a)) governing the keeping of, storage, transport, and use of gasoline and volatile oils, has no express provision relating to the regulation of aboveground storage of such fluids, and no statutory provision authorizing local units of government to elect to not be subject to the rules adopted by the Office. After discussion with the Office, it was revealed the Office meant to cite the above described statute (subsection (4)(a)) as added by Public Act 85-1325 (effective August 31, 1988). The relevant statutory provision is reprinted below:

The Office of the State Fire Marshal shall adopt rules and regulations regarding aboveground storage tanks and associated piping and except in municipalities of over 500,000 in population no municipality or other political subdivision shall adopt or enforce any ordinances or regulations regarding such aboveground tanks and piping other than those which are identical to the rules and regulations of the Office of the State Fire Marshal. It is declared to be

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGOFFICE OF THE STATE FIRE MARSHAL
(Continued Page 3)

the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the establishment of standards regarding aboveground storage tanks and associated piping within the jurisdiction of the Office of the State Fire Marshal is an exclusive State function which may not be exercised concurrently by a home rule unit except as expressly permitted in this Act. (emphasis added)

Paragraph (h) of Section 6 of Article VII of the Illinois Constitution states:

The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power or a power or function specified in subsection (i) of this section.

The General Assembly, by expressly stating in subsection (4)(a) that no municipality or other political subdivision shall adopt or enforce regulations other than those adopted by the Fire Marshal, has provided "specifically by law for the exclusive exercise by the State of any power or function of a home rule unit." It should be noted that the Office's rulemaking goes further by providing for exercise of all (emphasis added) units of local government, something even the expansive home rule provisions of Article VII of the Illinois Constitution do not permit. Section 7 of Article VII of the Illinois Constitution states: "Counties and municipalities which are not home rule units shall have only powers granted to them by law. . . ." The Office could cite no statute authorizing units of government to have their own authority to regulate this subject matter.

Thus, by providing in its emergency rulemaking that units of government may elect to ignore or modify the provisions of the Fire Marshal's rulemaking, the Office is violating subsection (4)(a) of (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154) as added by Public Act 85-1325 (effective August 31, 1988), which expressly bars units of local government from assuming such a power. The Office's encroachment of Section 180.25 is also misplaced because it implies that all units of

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGOFFICE OF THE STATE FIRE MARSHAL
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government are "home rule" units as defined in Section 6(a) of Article VII of the Illinois Constitution, when in fact, only some 90 units of government presently fit the constitutional criteria of "home rule units."

Therefore, the Joint Committee objects to Section 180.25 of the emergency rulemaking of the Office of the State Fire Marshal entitled "Storage, Transportation, Sale and Use of Gasoline and Volatile Oils" (41 Ill. Adm. Code 180) because, by permitting local units of government to modify the rules by ordinance, the rule violates Section 4(a) of "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils," which provides that no such unit of local government may adopt any ordinances or regulations other than those identical to those of the Fire Marshal.

OBJ1875

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

ILLINOIS RACING BOARD

Heading of Part: Pick Six Rules
Code Citation: 11 Ill. Adm. Code 417
Section Numbers: 417.30, 417.35, 417.100
Date Originally Published in Illinois Register: February 10, 1989
 13 Ill. Reg. 1989

At its meeting on April 5, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the emergency amendments to the rules of the Illinois Racing Board entitled "Pick Six Rules" (11 Ill. Adm. Code 417) because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, no emergency exists that justifies the use of emergency rulemaking in this instance.

The Illinois Racing Board adopted this emergency rulemaking to increase the overall amount of money wagered on Pick Six races at the National Jockey Club thoroughbred race meeting, which began on February 24, 1989. By amending Part 417 to provide for alternative methods of distribution of the pari-mutuel wagering pool for Pick Six races, the Board anticipated that the overall amount of money wagered at the National Jockey Club meeting would be increased. This increase in wagering was to, in turn, lead to an increase in revenue to the State. In its notice of emergency amendments, the Board stated that the threat of lost revenue if the alternative methods of wagering were not allowed was the threat to the public interest and welfare which justifies the use of the emergency rulemaking. When asked to clarify how the loss of "potential" increased revenue was a threat to the public interest or welfare, the Board answered that the public would not be able to enjoy the benefits that would arise from the anticipated increase in state revenue if these amendments were not adopted. The Board was asked to provide an estimate of the increased revenue anticipated as a result of this rulemaking. However, the Board was unable to provide any specific figures relative to the financial impact of the change.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGILLINOIS RACING BOARD
(Continued Page 2)

Section 5.02 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as "the existence of any situation which an agency finds reasonably constitutes a threat to the public interest, safety or welfare." The Board's statement that the loss of increased revenue provided by these amendments would constitute a threat to the public interest and welfare does not justify the use of the emergency rulemaking procedures under Section 5.02 of the IAPA.

On September 19 and 20, 1988, the National Jockey Club (NJC) was awarded their racing dates which began on February 24, 1989. In late November of 1988, the National Jockey Club proposed a change in the existing method of distribution of the pari-mutuel pool for Pick Six races. Prior to these amendments, the Pick Six pool was divided into major, minor and consolation pools. Under this method, all money in the pools was to be dispersed on that racing day. The NJC proposed that the Board amend these rules to require the better win the first three races of the Pick Six races in order to qualify to bet on the last three races. The Board's initial reaction was to recommend disapproval of NJC's proposal. However, the Board agreed to work with NJC to modify the Pick Six rules after the NJC withdrew their proposal. The Board concluded that the NJC's original proposal was fraught with opportunities for fraud and corruption, would discourage "early bird" wagering on Pick Six races, and would cause insurmountable problems for the tote operations of the inter-track betting system.

Working together with NJC and the tote companies, the Board approved the final version of these emergency amendments at their January 7, 1989 meeting. These amendments establish a carryover pool where the money wagered for the Pick Six races will be carried over until the next Pick Six racing time if there is no better who correctly picks all six winners. The Board anticipates that this carryover pool will increase the betting on Pick Six races which will increase the handle to the racing associations which will increase the revenue to the state. The Board was asked to estimate the amount of increased revenue to the state as a result of these amendments. The Board could not.

The Board's "Reason for Emergency" in its Notice of Emergency Amendments failed to adequately state what the threat to the public interest, safety or welfare is. Additionally, when asked, the reasons given by the Board for the use of emergency rulemaking are insufficient to justify the use of emergency rulemaking. The loss of potential for increased revenue does not rise to the level of a threat to the public interest, safety or welfare to justify the use of Section 5.02 of the IAPA. The Board admitted that the NJC could and would have used the

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGILLINOIS RACING BOARD
(Continued Page 3)

existing Pick Six rules to hold their race meeting if these amendments were not adopted. The rules were adopted only at NJC's request to increase their handle because it was awarded the less lucrative winter/spring racing dates. Simply because a rulemaking is in the public interest does not justify using emergency rulemaking. The Board must show that a threat to the public interest, safety or welfare exists. The Board has failed to do so.

The Joint Committee has long taken the position that Section 5.02 procedures may not be used where there exists no emergency that threatens the public interest, safety or welfare. Support for this position as applied to this rulemaking can be found in a holding of the Illinois Supreme Court. The Illinois Supreme Court has previously ruled that an agency's emergency rulemaking was improper because the agency was unable to exhibit that a threat to the public interest, safety or welfare existed. Specifically, in *Senn Park Nursing Center v. Miller*, 83 Ill. Dec. 609, 104 Ill. 2d 169, 470 N.E. 2d 1029, (1984), the Illinois Supreme Court stated, "[w]e do not believe that the court's decision in *Senn Park I* created a risk of loss of Federal matching funds and that this alleged risk of loss reasonably constituted a threat to public interest, safety or welfare." The Court further stated, "we have determined that no emergency existed." Further, the First District, Appellate Court of Illinois cited the *Senn Park* case when vacating emergency rules promulgated by the Pollution Control Board (*Citizens for Better Environment v. Illinois Pollution Control Board*, No. 86-3026, 86-3250, (Ill. App. 1987)). The First District stated that "no facts have been presented to show that without these emergency rules the public would be confronted with a threatening situation." The First District Court further stated "because the facts in this case do not reveal the existence of an emergency, the rules adopted by the Board are invalid."

Therefore, the Joint Committee objects to the emergency amendments to the rules of the Illinois Racing Board entitled "Pick Six Rules" (11 Ill. Adm. Code 417) because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, no emergency exists that justifies the use of emergency rulemaking in this instance.

OBJ1899

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part:

Standards for Existing Activities Located Within a Setback Zone or Regulated Recharge Area

2) Code Citation: 35 Ill. Adm. Code 6153) Register Citation to Notice of Proposed Amendments:
This issue of the ILLINOIS REGISTER.4) Date, Time and Location of Public Hearing:
FIRST SET OF HEARINGS SECOND SET OF HEARINGS

May 16, 1989

10:00 a.m. - Room 301
Municipal Building
7th and Monroe Streets
Springfield, Illinois 62706

June 1, 1989

10:00 a.m. - Room 9-040
State of Illinois Center
100 W. Randolph Street
Chicago, Illinois 60601

May 17, 1989

9:00 a.m. - Room 301
Municipal Building
7th and Monroe Streets
Springfield, Illinois 62706

June 2, 1989

9:00 a.m. - Room 9-040
State of Illinois Center
100 W. Randolph Street
Chicago, Illinois 60601

5) Other Pertinent Information:

These are the first of several sets of hearings to be held by the Board pursuant to the Groundwater Protection Act. These hearings will be merit hearings for the Agency's proposed amendments, filed March 13, 1989, to 35 Ill. Adm. Code, Subtitle F, as required by Ill. Rev. Stat. (1987) Ch. 111 1/2, para. 1014.4. This notice pertains to Part 615, one of the two proposed parts.

The first set of May hearings is primarily reserved for the Agency's presentation of its proposal. A third day of hearing may be held May 18 at the same location if the Agency has not finished its presentation to its satisfaction on May 16 and 17. Prefiling of testimony, exhibits or public comment is not required, but it is allowed. To prefile any material for the hearing, five copies must be filed with the Board Clerk, Dorothy Gunn, and a single copy to the other listed persons below no later than May 5 for possible presentation at the May hearings.

POLLUTION CONTROL BOARD

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-50
Chicago, IL 60601

Scott Phillips
Illinois Environmental
Protection Agency
2200 Churchill Rd.
Springfield, IL 62706

Julene M. Perbohner, Hearing Officer
Illinois Pollution Control Board
P.O. Box 505
DeKalb, IL 60115

Bonnie Eynon Meyer
Illinois Department of
Energy and Natural
Resources
325 W. Adams Street
Room 300
Springfield, IL 62704

Any material filed after May 5 will be allowed presentation as time permits. At the hearing at which the material is to be presented, multiple copies of the material must be available. For prefilled testimony to be entered into the transcript, it must be read by its author and be subject to cross-examination. However, since public comments need not be read into the transcript, they need not be read nor be subject to cross-examination.

The second set of June hearings is primarily reserved for responses to the proposal. The same prefiling rules as for the May hearings apply, except that the prefiling deadline is May 25.

As a reminder, the Board will allow comments by any person until April 13th on the need for an economic impact study pursuant to Ill. Rev. Stat. (1987) Ch. 111 1/2, para. 1027 (as amended by P.A. 85-1048, effective 1-1-89.) April 13th is the 21st day from the March 23rd Board meeting at which the Board accepted the proposal. Comments must be in writing to the Board Clerk, include detailed reasons for or against the need for the study, and a description, to the extent reasonably practicable, of the economic impact of the proposed rule.

Questions regarding prefilled material or the hearings should be addressed to the hearing officer at the above address or by phone at (815) 753-1924. Copies of the proposal are available upon written request from Scott Phillips at the above address.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part:
Standards for New Activities Located Within a Setback Zone or Regulated Recharge Area
- 2) Code Citation: 35 Ill. Adm. Code 616
- 3) Register Citation to Notice of Proposed Amendments:
This issue of the ILLINOIS REGISTER.
- 4) Date, Time and Location of Public Hearing:

FIRST SET OF HEARINGS	SECOND SET OF HEARINGS
May 16, 1989 10:00 a.m. - Room 301 Municipal Building 7th and Monroe Streets Springfield, Illinois 62706	June 1, 1989 10:00 a.m. - Room 9-040 State of Illinois Center 100 W. Randolph Street Chicago, Illinois 60601
May 17, 1989 9:00 a.m. - Room 301 Municipal Building 7th and Monroe Streets Springfield, Illinois 62706	June 2, 1989 9:00 a.m. - Room 9-040 State of Illinois Center 100 W. Randolph Street Chicago, Illinois 60601
- 5) Other Pertinent Information:

These are the first of several sets of hearings to be held by the Board pursuant to the Groundwater Protection Act. These hearings will be merit hearings for the Agency's proposed amendments, filed March 13, 1989, to 35 Ill. Adm. Code, Subtitle F, as required by Ill. Rev. Stat. (1987) Ch. 111 1/2, para. 1014.4. This notice pertains to Part 616, which is one of the two proposed parts.

The first set of May hearings is primarily reserved for the Agency's presentation of its proposal. A third day of hearing may be held May 18 at the same location if the Agency has not finished its presentation to its satisfaction on May 16 and 17. Prefiling of testimony, exhibits or public comment is not required, but it is allowed. To prefile any material for the hearing, five copies must be filed with the Board Clerk, Dorothy Gunn, and a single copy to the other listed persons below no later than May 5 for possible presentation at the May hearings.

POLLUTION CONTROL BOARD

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-50
Chicago, IL 60601

Scott Phillips

Illinois Environmental
Protection Agency
2200 Churchill Rd.
Springfield, IL 62706

Julene M. Perbohnner, Hearing Officer
Illinois Pollution Control Board
P.O. Box 505
DeKalb, IL 60115

Bonnie Eynon Meyer
Illinois Department of
Energy and Natural
Resources
325 W. Adams Street
Room 300
Springfield, IL 62704

Any material filed after May 5 will be allowed presentation as time permits. At the hearing at which the material is to be presented, multiple copies of the material must be available. For prefiled testimony to be entered into the transcript, it must be read by its author and be subject to cross-examination. However, since public comments need not be read into the transcript, they need not be read nor be subject to cross-examination.

The second set of June hearings is primarily reserved for responses to the proposal. The same prefiling rules as for the May hearings apply, except that the prefiling deadline is May 25.

As a reminder, the Board will allow comments by any person until April 13th on the need for an economic impact study pursuant to Ill. Rev. Stat. (1987) Ch. 111 1/2, para. 1027 (as amended by P.A. 85-1048, effective 1-1-89.) April 13th is the 21st day from the March 23rd Board meeting at which the Board accepted the proposal. Comments must be in writing to the Board Clerk, include detailed reasons for or against the need for the study, and a description, to the extent reasonably practicable, of the economic impact of the proposed rule.

Questions regarding prefiled material or the hearings should be addressed to the hearing officer at the above address or by phone at (815) 753-1924. Copies of the proposal are available upon written request from Scott Phillips at the above address.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part:
College Immunization Code
- 2) Code Citation:
77 Ill. Adm. Code 694
- 3) Register Citation to Notice of Proposed Amendments:
This issue of the Illinois Register.
- 4) Date, Time and Location of Public Hearing:
June 19, 1989
10:00 a.m. - First Floor Training Room
Illinois Department of Public Health
525 West Jefferson Street
Springfield, Illinois 62761
- 5) Other Pertinent Information:

This rulemaking attempts to specify the reporting requirements for adverse effects associated with the pertussis vaccine and the language of an informational pamphlet on pertussis vaccine. These rules require all health care providers to maintain records on the administration of pertussis vaccine recording and reporting to the Department all major adverse reactions. The contents of the informational pamphlet were developed with comments from interested parties and contains information primarily derived from other publications.

This hearing will be for the sole purpose of gathering public comment on the proposed . Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to 20 minutes for the presentation of such testimony.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

6) Name and Address of Agency Contact Person:

Questions regarding these proposed or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 3, 1989 through April 7, 1989 and have been scheduled for review by the Committee at its May 9, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its May meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/18/89	Department of Transportation, Floodway Construction in Northeastern Illinois (92 Ill. Adm. Code 708)	2/3/89 13 Ill. Reg. 1503	May 9, 1989
5/19/89	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	2/17/89 13 Ill. Reg. 1959	May 9, 1989
5/19/89	Department of Revenue, County Supplementary Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 600)	2/3/89 13 Ill. Reg. 1448	May 9, 1989
5/19/89	Department of Revenue, County Supplementary Service Occupation Tax Regulations (86 Ill. Adm. Code 610)	2/3/89 13 Ill. Reg. 1460	May 9, 1989
5/19/89	Department of Revenue, County Supplementary Use Tax Regulations (86 Ill. Adm. Code 620)	2/3/89 13 Ill. Reg. 1468	May 9, 1989
5/19/89	Department of Revenue, County Water Commission Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 630)	2/3/89 13 Ill. Reg. 1473	May 9, 1989
5/19/89	Department of Revenue, County Water Commission Service Occupation Tax Regulations (86 Ill. Adm. Code 640)	2/3/89 13 Ill. Reg. 1485	May 9, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>Scheduled for Consideration by JC&R</u>
5/19/89	Department of Revenue, County Water Commission Use Tax Regulations (86 Ill. Adm. Code 650)	2/3/89 13 Ill. Reg. 1493	May 9, 1989
5/22/89	Pollution Control Board, Definitions and General Provisions (35 Ill. Adm. Code 211)	9/30/88 12 Ill. Reg. 15294	May 9, 1989
5/22/89	Department of Insurance, Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill. Adm. Code 2008)	1/13/89 13 Ill. Reg. 251	May 9, 1989
5/22/89	Capital Development Board, Procurement Practices (44 Ill. Adm. Code 910)	2/17/89 13 Ill. Reg. 1917	May 9, 1989
5/22/89	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	9/30/88 12 Ill. Reg. 15475	May 9, 1989
5/22/89	Department of Central Manage- ment Services, Pay Plan (80 Ill. Adm. Code 310)	2/3/89 13 Ill. Reg. 1296	May 9, 1989
5/22/89	Department of Conservation, Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)	2/10/89 13 Ill. Reg. 1690	May 9, 1989
5/22/89	Department of Public Aid, Rights and Responsibilities (89 Ill. Adm. Code 102)	11/4/88 12 Ill. Reg. 17663	May 9, 1989
5/22/89	Department on Aging, Community Care Program (89 Ill. Reg. 240)	7/1/88 12 Ill. Reg. 10821	May 9, 1989

PROCLAMATION
89-132

Student-Athlete Day

WHEREAS, the student-athlete represents a role model worthy of emulation by America's youth; and

WHEREAS, such worthy values and behaviors as perseverance, teamwork, self-discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits; and

WHEREAS, participation in athletics, together with education, provides opportunities to develop valuable social and leadership skills and to gain an appreciation of ethnic and racial groups different from one's own; and

WHEREAS, in spite of all the positive aspects of sport, overemphasis on sport at the expense of an education can cause serious harm to an athlete's future; and

WHEREAS, the common practice of keeping athletes eligible for participation on a team - even at the high school level - must be abandoned for a policy of ensuring a meaningful education and degree; and

WHEREAS, coaches, parents and educators of student-athletes must express high expectations for academic performance as well as for athletic performance;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 6, 1989, as STUDENT-ATHLETE DAY in Illinois, to recognize and encourage the winning combination of athletic and academic achievement.

Issued March 14, 1989. Filed April 10, 1989.

PROCLAMATION

89-133

Corfu-Tasty Gyros, Inc. Day

WHEREAS, Corfu-Tasty Gyros, Inc. of Chicago operates the largest gyro manufacturing plant in the United States; and

WHEREAS, in the late 1960s, Vasilios Memmos, a Greek restaurateur from the island of Corfu, first introduced pre-formed gyros into Chicago's food service market; and

WHEREAS, GYROS ARE SYMBOLIC in American of Greek cuisine and reflect the renowned, long ethnic tradition of Chicago;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 6, 1989, as CORFU-TASTY GYROS, INC. DAY in Illinois, commemorating the 19th anniversary of the company's inception.

Issued March 30, 1989. Filed April 10, 1989.

PROCLAMATION

89-134

Recognizes the 35th Anniversary of the Nu Iota Chapter of Alpha Omicron Pi

WHEREAS, the Nu Iota chapter of Alpha Omicron Pi sorority was chartered in 1954 on the campus of Northern Illinois University in DeKalb, Illinois; and

WHEREAS, the sorority has existed on college campuses across the nation as a philanthropic organization; and

WHEREAS, the sisters of Alpha Omicron Pi gathered from all over the state of Illinois on March 11 to celebrate the chapter's 35th anniversary and the 15th-year reunion of the Northern Illinois University's class of 1974;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, recognize THE 35TH ANNIVERSARY OF THE NU IOTA CHAPTER OF ALPHA OMICRON PI and congratulate Carla Beckhart, Kath Conner, Colleen Costello, Nancy Decho, Chris Haas, Rita Hansen, Karen Harman, Mary Harms, Maren Karras, Jean LeGros, Sue Poczeka, Lisa Scarlata, and Ardeen Weil--the class of 1974.

Issued March 30, 1989. Filed April 10, 1989.

PROCLAMATION
89-135
Ted Liss Day

WHEREAS, Ted Liss is a distinguished alumnus of the Goodman School of Drama; and

WHEREAS, he has, since the age of 11, made significant contributions as an actor, director, and producer in our state, spanning the eras of radio soap operas, of live television, and the present time of motion pictures and commercial production; and

WHEREAS, he has generously given his services as director and lecturer to colleges, universities, and community theaters throughout our state; and

WHEREAS, in the service of his country, he served as head of Armed Forces Radio and Theater and later represented the U.S. government in the San Paulo Brazil-bi-centennial celebration; and

WHEREAS, since 1945, through the Ted Liss Studio, he has shared his considerable skills as an actor and educator to prepare talented Illinoisans for careers in the acting profession;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 5, 1989, the day of his 70th birthday, as TED LISS DAY in the State of Illinois and urge all citizens to be cognizant of his contributions to the cultural life of Illinois.

Issued March 30, 1989. Filed April 10, 1989.

PROCLAMATION
89-136
New Homes Month

WHEREAS, the State of Illinois is proud of the many fine residential communities that have been built in recent years; and

WHEREAS, new housing represents improved planning and design, and progress in the use of new materials and methods of construction. The establishment of new communities, schools, churches, roads, shopping centers and other public facilities has been stimulated by new housing; and

WHEREAS, it is fitting that our citizens recognize what the building of thousands of new homes and apartments means to Illinois in civic and economic progress, and what homeownership can mean both to the individual owner and to the total economic and social benefit of the state;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 1989 as NEW HOMES MONTH in Illinois. I call upon all Illinoisans to emphasize their confidence in the future economic well-being of our state and to recognize home construction and ownership as a basic factor in our economic progress.

Issued April 3, 1989. Filed April 10, 1989.

PROCLAMATION
89-137
Queen Isabella Day

WHEREAS, America's discovery in 1492 was made possible through support from Queen Isabella of Castile, wife of Ferdinand of Aragon; and

WHEREAS, throughout the ages, man's courage often has been guided and altered by great rulers who have left indelible marks upon their areas; and

WHEREAS, Queen Isabella's belief in the honesty and determination of Christopher Columbus enable him to make his daring voyage; and

WHEREAS, the colonizing of this country and the winning of its independence could have been delayed for many years without Queen Isabella's initiative and foresight; and

WHEREAS, Queen Isabella treated the New World with concern, especially regarding the plight of the American natives;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22, 1989, as QUEEN ISABELLA DAY in Illinois, in honor of her 537th birthday anniversary.

Issued April 3, 1989. Filed April 10, 1989.

PROCLAMATION
89-138
Coin Week

WHEREAS, the week of April 16-22, 1989, is National Coin Week in the United States; and

WHEREAS, coins and currency form an integral part of our daily lives, and the study of these items has brought knowledge and expanded understanding to many people around the world; and

WHEREAS, hobbies are an important part of our lives, providing a relaxing and educational means of recreation and a constructive outlet for the frustrations of everyday life; and

WHEREAS, the theme for 1989 is "Money Matters," highlighting the importance of money in our lives but also reminding us that we, as numismatists, are very involved in matters of money and that we want to share that interest and involvement with others; and

WHEREAS, the American Numismatic Association and numerous local clubs throughout the world are celebrating National Coin Week by sharing their hobby with others, young and old;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 16-22, 1989, as COIN WEEK in Illinois, and call upon all citizens to celebrate this week with ceremonies and activities expanding their knowledge of numismatics and the joys of coin collecting.

Issued April 4, 1989. Filed April 10, 1989.

PROCLAMATION

89-139

Hyde Park Art Center Day

WHEREAS, the Hyde Park Art Center (HPAC), founded in 1939, has stimulated interest in Chicago art and been a major Chicago cultural institution for the past 50 years; and

WHEREAS, the center has a reputation for finding and presenting the most provocative young talent in Chicago. It began its rise to prominence under the direction of sculptor Don Baum, exhibition chairman from 1956 to 1973; and

WHEREAS, today, a 13-member committee seeks out talent and schedules six shows a year. The HPAC is a showplace for Chicago artists who are expressing themselves in new ways, and the center's spirit of adventure contributes to the excitement that exists in contemporary Chicago art; and

WHEREAS, the HPAC is also widely recognized for the School of the Hyde Park Art Center, which serves a range of students from youngsters through senior citizens. Additionally, the center operates an Outreach Program of art classes in local schools, and it served 1,200 children last year; and

WHEREAS, Ruth Horwich has been the Hyde Park Art Center's major supporter and its Chairman of the Board for 25 years. It is acknowledged that without her enthusiastic support and dedication, the center would not exist today; and

WHEREAS, Ruth Horwich will be honored April 8, 1989, with the naming of the Ruth Horwich Gallery at the Hyde Park Art Center's 50th Anniversary Celebration;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 8, 1989, as HYDE PARK ART CENTER DAY in Illinois, in recognition of its 50th anniversary and in appreciation of its many contributions to art in Illinois.

Issued April 4, 1989. Filed April 10, 1989.

PROCLAMATION

89-140

Job's Daughters Week

WHEREAS, Job's Daughters is an international order of young women, ages 11 through 20, who are related to Master Masons and who are inspired to emulate faith and perseverance as they are related in the Book of Job in the Bible; and

WHEREAS, service to others is coupled with many opportunities for self-improvement, resulting in young women who are prepared and eager to be leaders of their peers; and

WHEREAS, special emphasis is placed on respect for parents, home and country, and on being a true and loyal friend of other members;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 16-23, 1989, as JOB'S DAUGHTERS WEEK in Illinois, in recognition of this outstanding group of young citizens and their mentors.

Issued April 4, 1989. Filed April 10, 1989.

PROCLAMATION

89-141

Medical Assistants' Week

WHEREAS, the health of all our citizens is directly affected by the many professional medical assistants who support and assist physicians in rendering their life-saving services; and

WHEREAS, many seek to maintain the highest standards of professional excellence by taking advantage of educational programs offered by professional organizations such as the American Association of Medical Assistants. This involvement ensures that our citizens receive the best medical care possible; and

WHEREAS, the dedication of those in medical fields who seek to upgrade their profession and improve their careers as valuable members of medical teams is to be commended;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 23-30, 1989, as MEDICAL ASSISTANTS' WEEK in Illinois. On behalf of the citizens of Illinois, I thank all those who have given their best to this profession so that we all may receive quality medical care.

Issued April 4, 1989. Filed April 10, 1989.

PROCLAMATION

89-142

Rural Electric Youth Day

WHEREAS, for the 30th consecutive year, the Electric Cooperatives of Illinois are sponsoring a paid tour of Washington, D.C., for approximately 65 outstanding Illinois high school students. These young leaders are selected on the basis of essay contests and youth leadership contests sponsored by member cooperatives; and

WHEREAS, the Illinois students, along with more than 1,200 contest winners from other states, will have an opportunity to see their federal government in action during "Rural Electric Youth Week," June 16-23; and

WHEREAS, in an effort to provide a broader educational experience for more students throughout the state, the Association of Illinois Electric Cooperatives will also sponsor a trip to our state capitol for 150 finalists in the contest;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 11, 1989, as RURAL ELECTRIC YOUTH DAY in Illinois, and wish the participants a rewarding experience.

Issued April 4, 1989. Filed April 10, 1989.

PROCLAMATION
89-143

Special Olympics Week

WHEREAS, the Special Olympics was established to give mentally retarded citizens an opportunity to develop their skills, to experience success, and to grow both physically and mentally through an organized physical fitness program; and

WHEREAS, the Special Olympics contributes to the physical, social, and psychological development of people with mental retardation. Through successful experiences in sports, they gain confidence and build a positive self-image which carries over into the classroom, home, job, and the community; and

WHEREAS, the 1989 Special Olympics Summer Games will be held June 16-18 at the Horton Fieldhouse Complex of Illinois State University;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 16-18, 1989, as SPECIAL OLYMPICS WEEK in Illinois, and urge all Illinoisans to support this worthwhile program.

Issued April 4, 1989. Filed April 10, 1989.

PROCLAMATION
89-144

Illinois Historical Library Month

WHEREAS, the Illinois State Historical Library was created by the General Assembly on May 25, 1889; and

WHEREAS, in achieving its goal of collecting the publishing information relating to Illinois history, the library has now become a modern research facility holding more than 160,000 bound volumes, nine million manuscripts, 65,000 microfilm reels, 3,600 broadsides, 3,000 maps, 251,000 photographs, and overseeing one of the world's largest collections of Lincoln memorabilia; and

WHEREAS, among those Lincoln-related materials are an original copy of the Gettysburg Address, New Salem election returns, land surveys, legal documents, and numerous letters, all in the former President's handwriting; and

WHEREAS, the library has provided its fascinating service not only for the state, but for anyone who has ever expressed interest in or needed information about the history of Illinois;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as ILLINOIS HISTORICAL LIBRARY MONTH in Illinois, celebrating its 100th anniversary of invaluable service to our citizens.

Issued April 5, 1989. Filed April 10, 1989.

PROCLAMATION
89-145
Victim Rights Week

WHEREAS, despite recent declines in the rate of serious crime committed in Illinois, it is estimated that as many as one of every 19 citizens of this state may be a victim of serious crime this year; and

WHEREAS, the victims of crimes often face serious financial, physical and psychological injuries; and

WHEREAS, it is fair and just that victims of crime receive assistance and compensation to help lessen the burden of these injuries; and

WHEREAS, Illinois has established a Bill of Rights for victims and witnesses of violent crime, as well as programs that provide services to victims; and

WHEREAS, it is important for all citizens to be aware of the vital services these programs perform for the victims of crime and to express their gratitude for such services;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 9-15, 1989, as VICTIM RIGHTS WEEK in Illinois, in conjunction with the national observance. I urge all citizens and institutions, public and private, to support the establishment and enforcement of victim rights in Illinois through participation in state and local activities commemorating those rights.

Issued April 5, 1989. Filed April 10, 1989.

PROCLAMATION
89-146
Welcome Home Chuck Marshall Day

WHEREAS, Charles Marshall was born in Vandalia, Illinois, and raised in Greenville, Illinois; and

WHEREAS, he served with distinction as president of Illinois Bell Telephone Company from 1977 to 1981; and

WHEREAS, this distinguished graduate of the University of Illinois continues to serve as president of the University of Illinois Foundation; and

WHEREAS, he is retiring as vice chairman of American Telephone and Telegraph Company;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 13, 1989, as WELCOME HOME CHUCK MARSHALL DAY in Illinois.

Issued April 5, 1989. Filed April 10, 1989.

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PROCLAMATION
89-147

James and Sybil Stockdale Day

WHEREAS, James and Sybil Stockdale have served their country on active duty in the regular Navy for 37 years; and

WHEREAS, Admiral Stockdale, who was born and raised in Abingdon, Illinois, was a prisoner of war in Vietnam for nearly eight years, including four years in solitary confinement; and

WHEREAS, during those years, he helped rally the morale of his fellow prisoners, and upon his release, he went on to further serve his country in the U.S. Navy, at various colleges and universities, and at the Hoover Institution; and

WHEREAS, Admiral Stockdale departed from the naval service as its most highly decorated member with 26 combat decorations, including two Purple Hearts and the Congressional Medal of Honor; and

WHEREAS, Sybil Stockdale, while keeping the family intact for those eight years her husband was a POW, formed the National League of Families of American Prisoners and Missing in South East Asia. She had personal meetings with President Richard Nixon, leaders of North Vietnam, and the national media to defend the interests and rights of her husband and other POWs and MIAs; and

WHEREAS, Admiral and Mrs. Stockdale co-authored the book In Love and War, which sold over three million copies and told of their ordeal; and

WHEREAS, The Rockford Institute has organized a dinner at Chicago's Drake Hotel to honor the courage and integrity of the Stockdales;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 19, 1989, as JAMES AND SYBIL STOCKDALE DAY in Illinois.

Issued April 7, 1989. Filed April 10, 1989.

JCAR - Joint Committee on Administrative Rules

ACTION CODES

- A - Adopted Rule
AR - Adopted Repealer
C - Notice of Corrections
CC - Codification Changes
E - Emergency Rule
ER - Emergency Repealer
M - Modification to meet JCAR objections
O - JCAR Statement of Objections
P - Proposed Rule
PF - Prohibited Filing Ordered by JCAR
PP - Peremptory or Court ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 PART ACTION CODE PAGE NUMBER
III. Grain Insurance Act (P-18048/85; A-6818) ACTION CODE
TITLE PAGE NUMBER PREVIOUS VOLUME ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-685)
89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 255 Agrochemical Facilities (P-2571)
8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-19153/88; A-3617)
8 Ill. Adm. Code 25 Animal Welfare Act (P-19164/88; A-3628)
8 Ill. Adm. Code 75 Bovine Brucellosis (P-19172/88; A-3636)
8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)
8 Ill. Adm. Code 85 Diseased Animals (P-19185/88; A-3642)
8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-2598) (P-17139/88; A-3653)
68 Ill. Adm. Code 600 Grain Dealers (P-19795/88; A-3665)
8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676)
8 Ill. Adm. Code 90 III. Dead Animal Disposal Act (P-19201/88; A-3681)
8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-19218/88; A-3685)
8 Ill. Adm. Code 230 III. Seed Law (P-3511) (E-4015)
68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-19205/88; A-3690)
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-228) (P-2160) (P-19211/88; A-3696)
2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-5066)
8 Ill. Adm. Code 505 Public Grain Warehouse & Warehouse Receipts Act (P-19806/88; A-3703)
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-20309/88; A-3715)

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- 38 Ill. Adm. Code 303 Use of a State Bank's Corporate Name in Identification & Communication (P-2889)

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- 44 Ill. Adm. Code 910 Procurement Practices (P-1917)
71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283)

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- 89 Ill. Adm. Code 1300 Day Care (P-19223/88; A-4644)
80 Ill. Adm. Code 302 Merit & Fitness (P-1639) (P-15813/88; A-3722)
80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296) (P-2892)
80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402)
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256; R-3411; A-3330)
80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1) (E-214)
44 Ill. Adm. Code 5040 State Vehicles & Garage (P-4071)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)
89 Ill. Adm. Code 310 Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414)
89 Ill. Adm. Code 437 Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)
89 Ill. Adm. Code 357 Purchase of Service (P-13807/88; A-3344)
89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)
89 Ill. Adm. Code 432 Research Involving Children & Families (P-5225)

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- 44 Ill. Adm. Code 530 Joint Regents of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2648)
2 Ill. Adm. Code 5025 Public Information, Rulemaking & Organization (AR-3742) (A-3747)

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56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-3513) (E-4019)
47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)
14 Ill. Adm. Code 520 Enterprise Zone Program (P-4985)
14 Ill. Adm. Code 590 III. Large Business Development Program (P-20714/87; A-58)
14 Ill. Adm. Code 570 III. Small Business Development Program (P-15249/88; A-2028)
14 Ill. Adm. Code 620 Labor-Management Program (P-14797/88; A-1758)
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47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311) (P-4075)
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56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-4366) (P-5017)

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83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3)

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89-034	Poison Prevention Week	1634
89-035	Ukrainian Independence Day	1635
89-036	Free Enterprise Week	1636
89-037	Snowmobile Safety Week	1637
89-038	Women in Sports Day	1909
89-039	Burn Awareness Week	1910
89-040	Earth Day	1911
89-041	Ill. Jaycee Week	1912
89-042	Ill. Lumber & Material Dealers Days	1913
89-043	Consumers Week	1914
89-044	African-American History Month	1915
89-045	Lions of Ill. Eye Bank Day	2219
89-046	Black History Month	2220
89-047	Employ the Older Worker Week	2221
89-048	Future Business Leaders of America-Phi Beta Lambda Month	2222
89-049	Lithuanian Independence Day	2223
89-050	United States Power Squadrons Day	2224
89-051	Cardiac Rehabilitation Week	2225
89-052	Future Farmers of America Week	2226
89-053	Labor-Management Cooperation Week	2227
89-054	STC's International Technical Communication Week	2228
89-055	Engineers Week	2568
	DuPage County Sequicentennial	

PROCLAMATIONS (CONT'D)

89-056	Tornado Preparedness Week	2569
89-057	Legislators' Fitness Day	2570
89-058	Rehabilitation Facilities Week	2887
89-059	Recognizes John G. Gilbert	2888
89-060	Grammy Awards Celebration Day	3205
89-061	Listening Awareness Day	3206
89-062	RP Awareness Day	3207
89-063	St. David's Day	3208
89-064	Women's History Month	3209
89-065	Casimir Pulaski Day	3210
89-066	Ill. State Quartet Convention Week	3211
89-067	Youth Art Month	3212
89-068	Viet Nam Veterans Day	3503
89-069	International Demolay Week	3504
89-070	Agriculture Week	3505
89-071	Herman Bryant Day	3506
89-072	Four Seasons Hotel Chicago Opening Day	3507
89-073	City of Belleville Year	3508
89-074	Shamrocks Against Dystrophy Days in Ill.	3509
89-075	Technical Education Week	3510
89-076	Pharmacy Day	4057
89-077	Arts Education Week	4058
89-078	Biomedical Equipment Technology Week	4059
89-079	U. S. Savings Bond Month	4060
89-080	Congratulates Top Ladies of Distinction	4061
89-081	Earthquake Awareness Week	4062
89-082	Home Center Week	4063
89-083	Junior League of Springfield Appreciation Week	4064
89-084	Licensed Practical Nurse Week	4065
89-085	POW-MIA Day	4066
89-086	Professional Social Work Month	4067
89-087	Rochelle Lee Fund Day	4068
89-088	School Psychology Week	4069
89-089	Call Before You Dig Month	4070
89-090	Ill. Veterans Affairs Day	4323
89-091	Marine Night Fighter Association Days	4324
89-092	Recognizes Clarence Darrow Community Center/Honors George Kalindonis	4325
89-093	Surgical Technologist Week	4326
89-094	Auctioneer's Week	4327
89-095	Ill. Clean & Beautiful & Tree City USA Appreciation Month	4328
89-096	Volunteer Week	4329
89-097	Bielarusian/Bylorussian Day	4962
89-098	Breastfeeding Promotion Month	4963
89-099	High Blood Pressure Month	4964
89-100	Jesse White Day	4965
89-101	Library Week	4966
89-102	Professional Secretaries Week/Professional Secretaries Day	4967
89-103	School Library Day	4968
89-104	Veterinary Medical Education Week	4969
89-105	American Vintage Wristwatch Day	4970
89-106	Gamma Phi Circus Week	4971
89-107	Ill. Employee Fitness Day	4972
89-108	Parks & Recreation Month	4973
89-109	Building Safety Week	4974
89-110	Groundwater Protection Month	4975
89-111	Ill. Cooperative Extension Day	4976

PROCLAMATIONS (CONT'D)

89-112 Ill. Industry Appreciation Day
89-113 Post Anesthesia Nurse Awareness Week
89-114 Recycling Week
89-115 Public Health Professionals: Peers & Partners Week
89-116 Business Opportunity Days
89-117 Drinking Water Week
89-118 Ill. Science Day
89-119 Irv Kupcinet Day
89-120 Keep America Beautiful Month
89-121 Lioness Caramel Corn Day
89-122 Medical Laboratory Week
89-123 State Horseradish Festival Day
89-124 Stroke Club Day
89-125 United Insurance Company of America Day
89-126 Youth Temperance Education Week
89-127 His Eminence Archbishop Iakovos/20th Anniversary
89-128 Rainbow House/Arco Iris Day
89-129 Days of Remembrance
89-130 Deputy Chief Gerald B. Creed Day
89-131 Lake & Watershed Management Month
89-132 Student Athletic Day
89-133 Corfu-Tasty Gyros, Inc. Day
89-134 Recognizes the 35th Anniversary of the Nu Iota Chapter of Alpha Omicron Pi
89-135 Ted Liss Day
89-136 New Homes Month
89-137 Queen Isabella Day
89-138 Coin Week
89-139 Hyde Park Art Center Day
89-140 Job's Daughters Week
89-141 Medical Assistants' Week
89-142 Rural Electric Youth Day
89-143 Special Olympics Week
89-144 Ill. Historical Library Month
89-145 Victim Rights Week
89-146 Welcome Home Chuck Marshall Day
89-147 James & Sybil Stockdale Day

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-857/86; A-724)) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy Objections
#	= renumbered	M	= Modification
		O	= JCAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= JCAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 2

700.Ap. D am (A-5066)
850.15 n (A-1510)
850.20 am (A-1510)
850.30 am (A-1510)
850.110 am (A-1510)
850.120 am (A-1510)
850.130 am (A-1510)
850.205 n (A-1510)
850.210 am (A-1510)
850.220 am (A-1510)
850.230 am (A-1510)
850.240 am (A-1510)
850.Tb. A am (A-1510)
850.Tb. B am (A-1510)
850.Tb. C am (A-1510)
850.Tb. D am (A-1510)
850.Tb. E am (A-1510)
850.Tb. G am (A-1510)
850.Tb. H am (A-1510)
5025.10 r (A-3742)
5025.110 n (A-3747)
5025.120 n (A-3747)
5025.130 n (A-3747)
5025.140 n (A-3747)
5025.150 n (A-3747)
5025.160 n (A-3747)
5025.170 n (A-3747)
5025.180 n (A-3747)
5025.210 n (A-3747)
5025.210 r (A-3742)
5025.220 r (A-3742)
5025.230 r (A-3742)

TITLE 2 (CONT'D)

5025.310 n (A-3747)
5025.320 n (A-3747)
5025.Ap. A r (A-3742)

TITLE 8
20.1 am (P-19178/88; W-2166)
25.20 am (P-19164/88; A-3628)
25.30 am (P-19164/88; A-3628)
25.50 am (P-19164/88; A-3628)
25.130 am (P-19164/88; A-3628)
75.5 am (P-19172/88; A-3636)
75.190 am (P-19172/88; A-3636)
80.10 am (P-19196/88; A-3676)
80.20 am (P-19196/88; A-3676)
80.110 am (P-19196/88; A-3676)
85.5 am (P-19185/88; A-3642)
85.10 am (P-19185/88; A-3642)
85.15 am (P-19185/88; A-3642)
85.50 am (P-19185/88; A-3642)
85.75 am (P-19185/88; A-3642)
90.10 am (P-19201/88; A-3681)
90.110 am (P-19201/88; A-3681)
105.5 am (P-20309/88; A-3715)
105.10 am (P-20309/88; A-3715)
105.30 am (P-20309/88; A-3715)
110.50 am (P-19153/88; A-3617)
110.80 am (P-19153/88; A-3617)
110.90 am (P-19153/88; A-3617)
110.110 am (P-19153/88; A-3617)
110.120 am (P-19153/88; A-3617)
115.10 am (P-19218/88; A-3685)
115.20 am (P-19218/88; A-3685)

TITLE 8 (CONT'D)		TITLE 11 (CONT'D)		TITLE 14 (CONT'D)		TITLE 17 (CONT'D)	
125.10	am (P-228)	437.20	n (P-1099)	520.1030	am (P-4985)	590.10	am (P-3221) (E-2224/88; O-3462)
125.60	am (P-1921/88; A-3696)	437.30	n (P-1099)	570.30	am (P-2071/87; A-58)	590.30	am (P-3221)
125.80	am (P-1921/88; A-3696)	437.40	n (P-1099)	590.10	am (P-1524/88; A-2028)	590.40	am (P-3221)
125.260	am (PP-228)	502.40	am (P-1805/88; A-4931)	590.80	n (P-1524/88; A-2028)	590.50	am (P-3221)
125.270	am (PP-228)	502.120	am (P-1775/88; A-1562)	590.81	n (P-1524/88; A-2028)	590.60	am (P-3221)
125.305	am (PP-2160)	502.600	am (P-1775/88; A-1562)	590.90	n (P-1524/88; A-2028)	590.Ex. A	am (P-3221)
220.20	am (P-3511) (E-4015)	1308.20	am (P-1776/88; O-1268; R-2167; A-2156)	590.91	n (P-1524/88; A-2028)	650.20	am (P-4442)
255.10	n (P-2571)	1308.30	n (P-1776/88; O-1268; R-2167; A-2156)	590.92	n (P-1524/88; A-2028)	650.21	am (P-4442)
255.20	n (P-2571)	1308.40	n (P-1776/88; O-1268; R-2167; A-2156)	590.93	n (P-1524/88; A-2028)	650.22	am (P-4442)
255.30	n (P-2571)	1409.120	am (P-1776/88; O-1266; R-1906; A-1841)	620.10	am (P-1479/88; A-1758)	650.40	am (P-4442)
255.40	n (P-2571)	1409.130	am (P-1776/88; O-1266; R-1906; A-1841)	620.30	am (P-1479/88; A-1758)	650.50	am (P-4442)
255.50	n (P-2571)	1409.132	r (P-1776/88; A-1841)	620.40	am (P-1479/88; A-1758)	650.60	am (P-4442)
255.110	n (P-2571)	1410.10	am (P-4345/88; A-1846)	620.50	am (P-1479/88; A-1758)	670.20	am (P-5052)
255.120	n (P-2571)	1410.15	r (P-4345/88; A-1846)	620.60	am (P-1479/88; A-1758)	670.30	am (P-5052)
255.130	n (P-2571)	1770.10	n (P-10298/88; O-3419)	620.70	am (P-1479/88; A-1758)	670.40	am (P-5052)
255.140	n (P-2571)	1770.20	n (P-10298/88; O-3419)	620.80	am (P-1479/88; A-1758)	670.50	am (P-5052)
255.150	n (P-2571)	1770.30	n (P-10298/88; O-3419)	620.90	am (P-1479/88; A-1758)	670.55	am (P-5052)
255.160	n (P-2571)	1770.40	n (P-10298/88; O-3419)	630.20	am (P-4987/88; A-4164)	670.60	am (P-5052)
255.170	n (P-2571)	1770.50	n (P-10298/88; O-3419)	630.40	am (P-4987/88; A-4164)	690.30	am (P-2641)
505.10	am (P-19806/88; A-3703)	1770.60	n (P-10298/88; O-3419)			710.10	am (P-20993/88; A-5090)
505.20	am (P-19806/88; A-3703)	1770.70	n (P-10298/88; O-3419)			710.20	am (P-20993/88; A-5090)
505.25	am (P-19806/88; A-3703)	1770.80	n (P-10298/88; O-3419)			720.10	am (P-4435)
505.240	am (P-19806/88; A-3703)	1770.90	n (P-10298/88; O-3419)			720.20	am (P-4435)
505.280	am (P-19806/88; A-3703)	1770.100	n (P-10298/88; O-3419)			720.40	am (P-4435)
505.310	am (P-19806/88; A-3703)	1770.110	n (P-10298/88; O-3419)			730.20	am (P-2609)
700.Ap. F	am (P-2598)	1770.120	n (P-10298/88; O-3419)			730.30	am (P-2609)
700.Ap. G	am (P-17139/88; A-3653)	1770.130	n (P-10298/88; O-3419)			740.10	am (P-4458)
700.Ap. I	am (P-14786/88; A-285)	1770.140	n (P-10298/88; O-3419)			740.20	am (P-4458)
1400.147	am (P-5545/88; A-2440)	1770.150	n (P-10298/88; O-3419)			810.30	am (P-1690)
1400.149	am (P-5545/88; A-2440)	1770.160	n (P-10298/88; O-3419)			810.40	am (P-1690)
		1770.170	n (P-10298/88; O-3419)			810.70	am (P-1690)
		1770.180	n (P-10298/88; O-3419)			870.10	r (P-3264)
		1770.190	n (P-10298/88; O-3419)			870.10	n (P-3213)
		1770.200	n (P-10298/88; O-3419)			870.15	r (P-3264)
						870.20	r (P-3264)
						870.20	n (P-3213)
						870.30	n (P-3213)
						870.30	r (P-3264)
						870.40	n (P-3213)
						870.50	n (P-3213)
						870.60	n (P-3213)
						870.70	n (P-3213)
						930.45	am (P-3262)
						1010.25	am (P-20325/88; A-4179)
						1010.30	am (P-20325/88; A-4179)
						1050.20	am (P-20335/88; A-3755)
						1050.25	am (P-20335/88; A-3755)
						1050.30	am (P-20335/88; A-3755)
						1050.40	am (P-20335/88; A-3755)
						1560.10	n (P-2626)
						1560.20	n (P-2626)
						1560.30	n (P-2626)
						1560.40	n (P-2626)
						1560.50	n (P-2626)
						1560.60	n (P-2626)

TITLE 17 (CONT'D)		TITLE 23 (CONT'D)	
1560.70	n (P-2626)	3300.20	n (P-14809/88; O-3440; R-4957; A-4672)
1560.80	n (P-2626)	3300.30	n (P-14809/88; O-3440; R-4957; A-4672)
1560.90	n (P-2626)	3300.40	n (P-14809/88; O-3440; R-4957; A-4672)
1590.110	am (P-2622)	3300.50	n (P-14809/88; O-3440; R-4957; A-4672)
1590.120	am (P-2622)	3300.60	n (P-14809/88; O-3440; R-4957; A-4672)
2030.20	am (P-4417)	3300.70	n (P-14809/88; O-3440; R-4957; A-4672)
2030.30	am (P-4417)	3300.80	n (P-14809/88; O-3440; R-4957; A-4672)
2030.40	am (P-4417)		
2030.50	am (P-4417)		
2030.60	n (E-2878) (P-4417)		
TITLE 17 (CONT'D)		TITLE 29	
107.170	r (P-979)	430.10	r (P-17585/88; A-2049)
502.40	am (P-3528)	430.10	n (P-17575/88; A-2040)
1295.10	n (P-17064/88; A-1856)	430.15	n (P-17575/88; A-2040)
1295.20	n (P-17064/88; A-1856)	430.20	r (P-17585/88; A-2049)
1295.30	n (P-17064/88; A-1856)	430.20	r (P-17575/88; A-2040)
1295.40	n (P-17064/88; RC-1270; A-1856)	430.30	n (P-17585/88; A-2049)
1295.50	n (P-17064/88; RC-1270; A-1856)	430.30	n (P-17575/88; A-2040)
1295.60	n (P-17064/88; RC-1270; A-1856)	430.40	r (P-17585/88; A-2049)
1295.70	n (P-17064/88; RC-1270; A-1856)	430.40	n (P-17575/88; A-2040)
1295.80	n (P-17064/88; A-1856)	430.50	r (P-17585/88; A-2049)
1520.10	am (P-1317) (E-1605)		
1520.46	n (P-1317) (E-1605)		
1520.50	am (P-1317) (E-1605)		
1610.70	am (P-4774/88; A-3063)		

[illegible]

TITLE 32 (CONT'D)			TITLE 35 (CONT'D)		
410.80	am	(P-13841/88; A-342)	378.201	n	(P-12753/88; A-1190)
410.11. A	n	(P-13841/88; A-342)	378.202	n	(P-12753/88; A-1190)
410.11. B	n	(P-13841/88; A-342)	378.203	n	(P-12753/88; A-1190)
			378.204	n	(P-12753/88; A-1190)
TITLE 35			378.301	n	(P-12753/88; A-1190)
201.281	am	(P-5154/88; O-29221/88; R-1624; A-2066)	378.302	n	(P-12753/88; A-1190)
201.401	n	(P-5154/88; O-29221/88; R-1624; A-2066)	378.303	n	(P-12753/88; A-1190)
201.402	n	(P-5154/88; O-29221/88; R-1624; A-2066)	378.304	n	(P-12753/88; A-1190)
201.403	n	(P-5154/88; O-29221/88; R-1624; A-2066)	378.305	n	(P-12753/88; A-1190)
201.404	n	(P-5154/88; O-29221/88; R-1624; A-2066)	378.306	n	(P-12753/88; A-1190)
201.405	n	(P-5154/88; O-29221/88; R-1624; A-2066)	378.307	n	(P-12753/88; A-1190)
201.406	n	(P-5154/88; O-29221/88; R-1624; A-2066)	378.308	n	(P-12753/88; A-1190)
201.407	n	(P-5154/88; O-29221/88; R-1624; A-2066)	378.309	n	(P-12753/88; A-1190)
201.408	n	(P-5154/88; O-29221/88; R-1624; A-2066)	378.310	n	(P-12753/88; A-1190)
211.101	am	(P-19296/88; W-2537)	378.311	n	(P-12753/88; A-1190)
211.102	am	(P-19296/88; W-2537)	378.312	n	(P-12753/88; A-1190)
243.108	am	(P-19290/88; W-2536)	378.313	n	(P-12753/88; A-1190)
243.120	am	(P-19290/88; W-2536)	378.314	n	(P-12753/88; A-1190)
251.103	am	(E-955)	378.315	n	(P-12753/88; A-1190)
251.201	am	(E-955)	378.316	n	(P-12753/88; A-1190)
251.202	n	(E-955)	378.317	n	(P-12753/88; A-1190)
251.203	am	(E-955)	378.318	n	(P-12753/88; A-1190)
251.208	am	(E-955)	378.319	n	(P-12753/88; A-1190)
251.210	am	(E-955)	378.320	n	(P-12753/88; A-1190)
251.212	r	(E-955)	378.321	n	(P-12753/88; A-1190)
251.215	am	(E-955)	378.322	n	(P-12753/88; A-1190)
251.301	am	(E-955)	378.323	n	(P-12753/88; A-1190)
304.220	n	(P-11397/88; A-2060)	378.324	n	(P-12753/88; A-1190)
304.302	n	(P-11669/88; A-851)	378.325	n	(P-12753/88; A-1190)
307.1508	am	(P-16396/88; A-1794)	378.326	n	(P-12753/88; A-1190)
307.1704	am	(P-16396/88; A-1794)	378.327	n	(P-12753/88; A-1190)
307.2101	am	(P-16396/88; A-1794)	378.328	n	(P-12753/88; A-1190)
307.2903	am	(P-16396/88; A-1794)	378.329	n	(P-12753/88; A-1190)
307.3110	am	(P-16396/88; A-1794)	378.330	n	(P-12753/88; A-1190)
307.3129	am	(P-16396/88; A-1794)	378.331	n	(P-12753/88; A-1190)
307.3300	am	(P-16396/88; A-1794)	378.332	n	(P-12753/88; A-1190)
307.3501	am	(P-16396/88; A-1794)	378.333	n	(P-12753/88; A-1190)
307.3503	am	(P-16396/88; A-1794)	378.334	n	(P-12753/88; A-1190)
307.3509	am	(P-16396/88; A-1794)	378.335	n	(P-12753/88; A-1190)
307.3590	n	(P-16396/88; A-1794)	378.336	n	(P-12753/88; A-1190)
307.4004	am	(P-16396/88; A-1794)	378.337	n	(P-12753/88; A-1190)
307.8100	am	(P-16396/88; A-1794)	378.338	n	(P-12753/88; A-1190)
310.107	am	(P-16384/88; A-2463)	378.339	n	(P-12753/88; A-1190)
310.110	am	(P-16384/88; A-2463)	378.340	n	(P-12753/88; A-1190)
378.101	am	(P-12753/88; A-1190)	378.341	n	(P-12753/88; A-1190)
378.102	n	(P-12753/88; A-1190)	378.342	n	(P-12753/88; A-1190)
378.103	n	(P-12753/88; A-1190)	378.343	n	(P-12753/88; A-1190)

TITLE 35 (CONT'D)

731.162 n (P-2650)
731.163 n (P-2650)
731.164 n (P-2650)
731.165 n (P-2650)
731.166 n (P-2650)
731.167 n (P-2650)
731.170 n (P-2650)
731.171 n (P-2650)
731.172 n (P-2650)
731.173 n (P-2650)
731.174 n (P-2650)
731.900 r (P-2650)
731.901 r (P-2650)

TITLE 38

190.10 am (P-14097/88; O-22489/88; R-966;
A-3793)
190.50 am (P-14097/88; O-22489/88; R-966;
A-3793)
190.70 am (P-4107)
190.140 am (P-14097/88; O-22489/88; R-966;
A-3793)
190.160 am (P-14097/88; O-22489/88; R-966;
A-3793)
190.165 n (P-4107)
190.180 n (P-14097/88; O-22489/88; R-966;
A-3793) (P-4107)

303.10 n (P-2889)
303.20 n (P-2889)
400.110 am (P-1985)
400.120 am (P-1985)
400.130 am (P-1985)
400.140 r (P-1985)
400.141 am (P-1985)
400.142 am (P-1985)
400.150 am (P-1985)
400.440 am (P-1985)
400.510 am (P-1985)
400.615 am (P-1985)
400.665 r (P-1985)
400.675 r (P-1985)
400.710 am (P-1985)
400.1020 am (P-1985)
400.1030 am (P-1985)
400.1060 am (P-1985)
400.1110 am (P-1985)
400.1120 am (P-1985)
400.1140 r (P-1985)
400.1530 am (P-1985)
400.1550 am (P-1985)
400.2010 am (P-1985)
400.2055 n (P-1985)
400.2500 am (P-1985)
400.2510 am (P-1985)
400.2520 am (P-1985)
400.2700 n (P-1985)

TITLE 44 (CONT'D)

526.60 n (P-2746)
526.70 n (P-2746)
530.5 r (P-2648)
530.10 am (P-2648)
530.20 am (P-2648)
530.50 n (P-2648)
530.60 n (P-2648)
530.70 # (P-2648)
530.70 am (P-2648)
530.100 am (P-2648)
530.110 am (P-2648)
530.200 # (P-2648)
530.300 am (P-2648)
530.310 r (P-2648)
530.320 am (P-2648)
530.330 am (P-2648)
530.340 am (P-2648)
530.350 am (P-2648)
530.400 am (P-2648)
530.410 am (P-2648)
530.500 am (P-2648)
530.510 am (P-2648)
530.520 am (P-2648)
530.530 am (P-2648)
530.540 n (P-2648)
530.600 am (P-2648)
530.610 am (P-2648)
530.620 am (P-2648)
530.630 am (P-2648)
530.640 am (P-2648)
530.650 am (P-2648)
530.660 am (P-2648)
530.670 am (P-2648)
530.700 am (P-2648)
530.710 am (P-2648)
530.720 am (P-2648)
535.5 r (P-2766)
535.10 am (P-2766)
535.20 am (P-2766)
535.50 n (P-2766)
535.60 n (P-2766)
535.70 # (P-2766)
535.70 am (P-2766)
535.100 am (P-2766)
535.110 am (P-2766)
535.200 # (P-2766)
535.300 am (P-2766)
535.310 am (P-2766)
535.320 am (P-2766)
535.330 am (P-2766)
535.340 am (P-2766)
535.350 am (P-2766)
535.400 am (P-2766)
535.500 am (P-2766)
535.510 am (P-2766)

TITLE 44 (CONT'D)

535.520 am (P-2766)
535.530 am (P-2766)
535.540 n (P-2766)
535.600 am (P-2766)
535.610 am (P-2766)
535.620 am (P-2766)
535.630 am (P-2766)
535.640 am (P-2766)
535.650 am (P-2766)
535.660 am (P-2766)
535.670 am (P-2766)
535.700 am (P-2766)
535.710 am (P-2766)
535.720 am (P-2766)
540.5 r (P-2764)
540.10 am (P-2764)
540.20 am (P-2764)
540.50 n (P-2764)
540.60 n (P-2764)
540.70 # (P-2764)
540.70 am (P-2764)
540.100 am (P-2764)
540.110 am (P-2764)
540.200 # (P-2764)
540.300 am (P-2764)
540.310 r (P-2764)
540.320 am (P-2764)
540.330 am (P-2764)
540.340 am (P-2764)
540.350 am (P-2764)
540.400 am (P-2764)
540.410 am (P-2764)
540.500 am (P-2764)
540.510 am (P-2764)
540.520 am (P-2764)
540.530 am (P-2764)
540.540 n (P-2764)
540.600 am (P-2764)
540.610 am (P-2764)
540.620 am (P-2764)
540.630 am (P-2764)
540.640 am (P-2764)
540.650 am (P-2764)
540.660 am (P-2764)
540.670 am (P-2764)
540.700 am (P-2764)
540.710 am (P-2764)
540.720 am (P-2764)
910.130 am (P-1917)
4400.25 n (P-44)
5040.590 r (P-4071)

TITLE 47

1.35 n (P-5002)
1.60 am (P-5002)
1.70 am (P-5002)

TITLE 47 (CONT'D)			TITLE 50 (CONT'D)			TITLE 56 (CONT'D)			TITLE 68 (CONT'D)		
1.85	n	(P-5002)	919.70	am	(P-13535/88; C-17456/88; A-1204)	2712.205	n	(P-15257/88; A-795)	1220.530	n	(P-5867/88; O-3444; R-965; A-4191)
1.100	n	(P-5002)	919.80	am	(P-13535/88; C-17456/88; A-1204)	2712.207	n	(P-15257/88; A-795)	1220.540	n	(P-5867/88; A-4191)
1.105	n	(P-5002)	919.90	am	(P-13535/88; C-17456/88; A-1204)	2712.210	n	(P-15257/88; A-795)	1220.550	n	(P-5867/88; A-4191)
1.110	am	(P-5002)	919.Ex. A	n	(P-13535/88; C-17456/88; A-1204)	2712.210	n	(P-15257/88; A-795)	1220.560	n	(P-5867/88; A-4191)
1.130	am	(P-5002)	2008.10	am	(P-251) (E-586; O-3471)	2732.210	n	(P-1945)	1220.Ap. A	r	(P-5867/88; A-4191)
1.160	n	(P-5002)	2008.20	am	(P-251) (E-586; O-3471)	2765.205	am	(P-752)	1220.Ap. B	r	(P-5867/88; A-4191)
1.170	n	(P-5002)	2008.30	am	(P-251) (E-586; O-3471)	2770.105	am	(P-743)	1220.Ap. C	am	(P-5867/88; A-4191)
1.175	n	(P-5002)	2008.40	am	(P-251) (E-586; O-3471)	2905.1	am	(P-2229)	1250.130	am	(P-3535)
1.180	n	(P-5002)	2008.50	am	(P-251) (E-586; O-3471)	2905.15	am	(P-2229)	1250.190	am	(P-3535)
1.185	n	(P-5002)	2008.60	am	(P-251) (E-586; O-3471)	2905.25	r	(P-2229)	1280.10	r	(P-8536/88; A-513)
1.190	n	(P-5002)	2008.70	am	(P-251) (E-586; O-3471)	2905.40	n	(P-2229)	1280.20	r	(P-8536/88; A-513)
1.195	n	(P-5002)	2008.80	am	(P-251) (E-586; O-3471)				1280.30	r	(P-8536/88; A-513)
100.70	am	(P-1930)	2008.81	am	(P-251) (E-586; O-3471)				1280.40	r	(P-8536/88; A-513)
100.85	am	(P-1930)	2008.82	n	(P-251) (E-586)				1280.50	r	(P-8536/88; A-513)
100.90	am	(P-1930)	2008.90	am	(P-251) (E-586)				1280.55	r	(P-8536/88; A-513)
100.110	am	(P-1930) (P-4358)	2008.90	am	(P-251) (E-586; O-3471)				1280.60	r	(P-8536/88; A-513)
100.120	am	(P-1930)	2008.Ap. A	am	(P-251) (E-586; O-3471)				1280.70	r	(P-8536/88; A-513)
120.80	am	(P-1311)	2008.Ap. B	am	(P-251) (E-586; O-3471)				1280.80	r	(P-8536/88; A-513)
120.100	am	(P-1311)	2008.Ap. C	am	(P-251) (E-586; O-3471)				1280.85	r	(P-8536/88; A-513)
120.110	am	(P-8521/88; A-779)	2008.Ap. E	n	(P-251) (E-586; O-3471)				1280.105	r	(P-8536/88; A-513)
120.115	n	(P-8521/88; A-779)	2008.Ap. F	n	(P-251) (E-586; O-3471)				1280.107	r	(P-8536/88; A-513)
120.115	am	(P-4075)	2008.Ap. G	n	(P-251) (E-586; O-3471)				1280.110	r	(P-8536/88; A-513)
160.80	am	(P-9271/88; A-2024)	2011.10	n	(P-13558/88; A-3804)				1285.20	am	(P-274) (E-651; O-3475)
			2011.20	n	(P-13558/88; A-3804)				1285.20	n	(P-8571/88; A-483)
	am	(P-2909)	2011.30	n	(P-13558/88; A-3804)				1285.30	n	(P-8571/88; A-483)
201.30	am	(P-2909)	2011.40	n	(P-13558/88; A-3804)				1285.40	n	(P-8571/88; A-483)
201.50	am	(P-2909)	2011.50	n	(P-13558/88; A-3804)				1285.50	am	(P-274) (E-651)
201.60	am	(P-2909)	2011.60	n	(P-13558/88; A-3804)				1285.50	am	(P-8571/88; A-483)
301.30	am	(P-2901)	2011.70	n	(P-13558/88; A-3804)				1285.60	n	(P-8571/88; A-483)
301.60	am	(P-2901)	2011.Ap. A	n	(P-13558/88; A-3804)				1285.70	am	(P-274) (E-651)
301.70	am	(P-2901)	2011.Ap. B	n	(P-13558/88; A-3804)				1285.70	am	(P-8571/88; A-483

300.830	am	(P-21333/88; A-4684)
300.840	am	(P-21333/88; A-4684)
300.1010	am	(P-21333/88; A-4684)
300.1020	am	(P-21333/88; A-4684)
300.1025	n	(P-21333/88; A-4684)
300.1030	am	(P-21333/88; A-4684)
300.1040	am	(P-21333/88; A-4684)
300.1050	am	(P-21333/88; A-4684)
300.1120	am	(P-21333/88; A-4684)
300.1220	am	(P-21333/88; A-4684)
300.1230	am	(P-21333/88; A-4684)
300.1240	am	(P-21333/88; A-4684)
300.1410	am	(P-21333/88; A-4684)
300.1420	am	(P-21333/88; A-4684)
300.1430	am	(P-21333/88; A-4684)
300.1610	am	(P-21333/88; A-4684)
300.1620	am	(P-21333/88; A-4684)
300.1630	am	(P-21333/88; A-4684)
300.1830	am	(P-21333/88; A-4684)
300.1840	am	(P-21333/88; A-4684)
300.1850	am	(P-21333/88; A-4684)
300.1860	am	(P-21333/88; A-4684)
300.1870	am	(P-21333/88; A-4684)
300.1880	am	(P-21333/88; A-4684)
300.2010	am	(P-21333/88; A-4684)
300.2020	am	(P-21333/88; A-4684)
300.2030	am	(P-21333/88; A-4684)
300.2040	am	(P-21333/88; A-4684)
300.2050	am	(P-21333/88; A-4684)
300.2060	am	(P-21333/88; A-4684)
300.2070	am	(P-21333/88; A-4684)
300.2080	am	(P-21333/88; A-4684)
300.2090	am	(P-21333/88; A-4684)
300.2100	am	(P-21333/88; A-4684)
300.2110	am	(P-21333/88; A-4684)
300.2210	am	(P-21333/88; A-4684)
300.2220	am	(P-21333/88; A-4684)
300.2230	am	(P-21333/88; A-4684)
300.2410	am	(P-21333/88; A-4684)
300.2420	am	(P-21333/88; A-4684)
300.2430	am	(P-21333/88; A-4684)
300.2610	am	(P-21333/88; A-4684)
300.2620	am	(P-21333/88; A-4684)
300.2630	am	(P-21333/88; A-4684)
300.2640	am	(P-21333/88; A-4684)
300.2810	am	(P-21333/88; A-4684)
300.2820	am	(P-21333/88; A-4684)
300.2830	am	(P-21333/88; A-4684)
300.2840	am	(P-21333/88; A-4684)
300.2850	am	(P-21333/88; A-4684)
300.2860	am	(P-21333/88; A-4684)
300.2870	am	(P-21333/88; A-4684)

380.300	n	(P-987)
380.310	n	(P-987)
380.320	n	(P-987)
380.330	n	(P-987)
380.340	n	(P-987)
380.350	n	(P-987)
380.360	n	(P-987)
380.370	n	(P-987)
380.380	n	(P-987)
380.390	n	(P-987)
380.400	n	(P-987)
380.410	n	(P-987)
380.420	n	(P-987)
380.430	n	(P-987)
380.440	n	(P-987)
380.450	n	(P-987)
380.460	n	(P-987)
380.470	n	(P-987)
380.480	n	(P-987)
380.490	n	(P-987)
380.495	n	(P-987)
380.500	n	(P-987)
380.510	n	(P-987)
380.520	n	(P-987)
380.530	n	(P-987)
380.540	n	(P-987)
380.550	n	(P-987)
380.560	n	(P-987)
380.570	n	(P-987)
380.580	n	(P-987)
380.590	n	(P-987)
380.600	n	(P-987)
380.610	n	(P-987)
380.620	n	(P-987)
380.630	n	(P-987)
380.640	n	(P-987)
380.650	n	(P-987)
380.660	n	(P-987)
380.670	n	(P-987)
380.680	n	(P-987)
380.690	n	(P-987)
380.700	n	(P-987)
380.710	n	(P-987)
380.720	n	(P-987)
380.730	n	(P-987)
380.740	n	(P-987)
380.750	n	(P-987)
380.760	n	(P-987)
380.770	n	(P-987)
380.780	n	(P-987)
380.790	n	(P-987)
380.800	n	(P-987)
380.810	n	(P-987)
380.820	n	(P-987)
380.830	n	(P-987)
380.840	n	(P-987)

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
790.2928 r	(P-16425/88; A-856)	790.4670 am	(P-12991/88; A-856) (P-3015)
790.2928 n	(P-12991/88; A-856)	790.4680 am	(P-12991/88; A-856)
790.2932 am	(P-16425/88; A-856)	790.4720 am	(P-12991/88; P-16425/88; A-856)
790.2940 am	(P-3015) (E-3108)	790.4740 am	(P-12991/88; P-16425/88; A-856)
790.3020 am	(P-16425/88; A-856)	790.4820 am	(P-3015) (E-3108)
790.3023 am	(P-3015) (E-3108)	790.4820 am	(P-16425/88; A-856)
790.3027 am	(P-16425/88; A-856)	790.4960 n	(P-16425/88; A-856)
790.3028 am	(P-3015) (E-3108)	790.5060 am	(P-16425/88; A-856)
790.3054 am	(P-3015) (E-3108)	790.5140 am	(P-12991/88; P-16425/88; A-856)
790.3085 am	(P-16425/88; A-856)	790.5180 am	(P-3015) (E-3108)
790.3100 am	(P-16425/88; A-856)	790.5220 am	(P-16425/88; A-856)
790.3300 am	(P-16425/88; A-856) (P-3015)	790.5300 am	(P-12991/88; A-856) (P-3015)
790.3315 am	(P-3015) (E-3108)	790.5312 am	(E-3108)
790.3335 am	(P-16425/88; A-856)	790.5420 am	(P-12991/88; P-16425/88; A-856)
790.3340 am	(P-12991/88; P-16425/88; A-856)	790.5483 am	(P-3015) (E-3108)
790.3420 am	(P-3015) (E-3108)	790.5520 n	(P-12991/88; P-16425/88; A-856)
790.3425 am	(P-16425/88; A-856)	790.5530 am	(P-3015) (E-3108)
790.3437 am	(P-12991/88; A-856) (P-3015)	790.5540 am	(P-16425/88; A-856)
790.3440 n	(E-3108)	790.5544 am	(P-12991/88; P-16425/88; A-856)
790.3475 n	(P-16425/88; A-856)	790.5560 n	(P-3015) (E-3108)
790.3492 am	(P-16425/88; A-856)	790.5620 am	(P-12991/88; P-16425/88; A-856)
790.3500 am	(P-16425/88; A-856)	790.5640 n	(P-3015) (E-3108)
790.3540 am	(P-16425/88; A-856)	790.5660 am	(P-12991/88; A-856)
790.3620 am	(P-12991/88; P-16425/88; A-856)	790.5780 am	(P-3015) (E-3108)
790.3700 am	(P-3015) (E-3108)	790.5792 am	(P-12991/88; P-16425/88; A-856)
790.3720 n	(P-16425/88; A-856)	790.5795 n	(P-16425/88; A-856)
790.3900 am	(P-16425/88; A-856)	790.5807 am	(P-12991/88; A-856) (P-3015)
790.3907 am	(P-12991/88; A-856)	790.5820 am	(P-3015) (E-3108)
790.3910 n	(P-12991/88; P-16425/88; A-856)	790.5830 am	(P-12991/88; P-16425/88; A-856)
790.3910 am	(P-3015) (E-3108)	790.5837 n	(P-12991/88; A-856)
790.3940 am	(P-3015) (E-3108)	790.5840 am	(P-16425/88; A-856)
790.3945 am	(P-16425/88; A-856)	790.5872 am	(P-16425/88; A-856)
790.4012 am	(P-16425/88; A-856) (P-3015)	790.5893 am	(P-16425/88; A-856)
790.4040 am	(E-3108)	790.5900 am	(P-16425/88; A-856)
790.4060 am	(P-16425/88; A-856)	790.5924 am	(P-12991/88; A-856) (P-3015)
790.4100 am	(P-12991/88; P-16425/88; A-856)	790.5940 am	(E-3108)
790.4220 am	(P-3015) (E-3108)	790.5980 am	(P-12991/88; P-16425/88; A-856)
790.4300 am	(P-16425/88; A-856)	790.5992 am	(P-3015) (E-3108)
790.4396 am	(P-12991/88; P-16425/88; A-856)	790.6140 am	(P-16425/88; A-856)
790.4430 am	(P-3015) (E-3108)	790.6180 am	(P-3015) (E-3108)
790.4460 am	(P-16425/88; A-856)	790.6260 am	(P-16425/88; A-856)
790.4540 am	(P-16425/88; A-856)	790.6275 am	(P-3015) (E-3108)
790.4580 am	(P-16425/88; A-856)		
790.4620 am	(P-16425/88; A-856)		
790.4660 am	(P-16425/88; A-856) (E-3108)		

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
790.6280 am	(P-16425/88; A-856)	790.6280 am	(P-16425/88; A-856)
790.6284 am	(P-16425/88; A-856)	790.6370 am	(P-12991/88; A-856) (P-3015)
790.6370 am	(E-3108)	790.6375 n	(P-16425/88; A-856)
790.6445 am	(P-16425/88; A-856)	790.6445 am	(P-16425/88; A-856)
790.6450 am	(P-16425/88; A-856) (P-3015)	790.6452 am	(E-3108)
790.6452 am	(P-16425/88; A-856)	790.6454 n	(P-16425/88; A-856)
790.6454 n	(P-12991/88; P-16425/88; A-856)	790.6456 am	(P-3015) (E-3108)
790.6540 am	(P-16425/88; A-856)	790.6540 am	(P-16425/88; A-856)
790.6580 am	(P-16425/88; A-856)	790.6621 n	(P-16425/88; A-856)
790.6621 n	(P-16425/88; A-856)	790.6670 am	(P-16425/88; A-856)
790.6670 am	(P-16425/88; A-856)	790.6740 am	(P-16425/88; A-856)
790.6740 am	(P-12991/88; P-16425/88; A-856)	790.6860 am	(P-3015) (E-3108)
790.6860 am	(P-3015) (E-3108)	790.6875 am	(P-12991/88; A-856) (P-3015)
790.6885 am	(P-3015) (E-3108)	790.6895 n	(P-3015) (E-3108)
790.6946 am	(P-16425/88; A-856)	790.6960 n	(P-12991/88; P-16425/88; A-856)
790.6960 n	(P-16425/88; A-856) (P-3015)	790.6980 am	(E-3108)
790.7020 am	(P-16425/88; A-856)	790.7140 am	(P-16425/88; A-856)
790.7140 am	(P-16425/88; A-856)	790.7181 n	(P-16425/88; A-856)
790.7181 n	(P-3015) (E-3108)	790.7223 am	(P-3015) (E-3108)
790.7223 am	(P-16425/88; A-856)	790.7260 am	(P-16425/88; A-856)
790.7265 n	(P-16425/88; A-856)	790.7280 am	(P-16425/88; A-856) (P-3015)
790.7280 am	(E-3108)	790.7288 n	(P-16425/88; A-856)
790.7288 n	(P-3015) (E-3108)	790.7400 am	(P-12991/88; A-856) (P-3015)
790.7400 am	(E-3108)	790.7500 am	(P-3015) (E-3108)
790.7500 am	(P-12991/88; P-16425/88; A-856)	790.7540 am	(P-16425/88; A-856)
790.7540 am	(P-16425/88; A-856)	790.7700 am	(P-16425/88; A-856) (P-3015)
790.7700 am	(E-3108)	790.7820 am	(P-3015) (E-3108)
790.7820 am	(P-12991/88; P-16425/88; A-856)	790.7828 am	(P-3015) (E-3108)
790.7828 am	(P-16425/88; A-856)	790.8020 am	(P-3015) (E-3108)
790.8020 am	(P-16425/88; A-856)	790.8140 am	(P-3015) (E-3108)
790.8140 am	(P-3015) (E-3108)	790.8248 r	(P-3015) (E-3108)
790.8248 r	(P-3015) (E-3108)	790.8260 am	(P-16425/88; A-856)
790.8260 am	(P-16425/88; A-856)	790.8378 am	(P-16425/88; A-856)
790.8378 am	(P-16425/88; A-856)	790.8380 am	(P-3015) (E-3108)
790.8380 am	(P-3015) (E-3108)	790.8420 am	(P-3015) (E-3108)

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
830.440 am (P-3325/88; A-2090)	855.Ap. B am (P-6564/88; A-2768)	150.565 am (P-1643/88; A-5201)	1105.100 am (P-1335)
830.450 am (P-3325/88; A-2090)	II. B n (P-6564/88; A-2768)	150.665 am (P-1643/88; A-5201)	1105.110 am (P-1335)
830.460 am (P-3325/88; A-2090)	II. C n (P-6564/88; A-2768)	150.680 am (P-1643/88; A-5201)	1105.120 am (P-1335)
830.500 am (P-3325/88; A-2090)	II. D n (P-6564/88; A-2768)	250.70 am (P-1921)	1105.130 r (P-1335)
830.510 r (P-3325/88; A-2090)	II. E n (P-6564/88; A-2768)	302.190 am (P-1639)	1105.140 am (P-1335)
830.520 am (P-3325/88; A-2090)	II. F n (P-6564/88; A-2768)	302.200 am (P-1639)	1105.150 am (P-1335)
830.530 am (P-3325/88; A-2090)	II. G n (P-6564/88; A-2768)	302.625 am (P-1581/88; A-3722)	1105.160 am (P-1335)
830.540 am (P-3325/88; A-2090)	II. H n (P-6564/88; A-2768)	302.800 r (P-1581/88; A-3722)	1105.170 am (P-1335)
830.560 r (P-3325/88; A-2090)	II. I n (P-6564/88; A-2768)	302.800 n (P-1581/88; A-3722)	1105.220 am (P-1335)
830.570 r (P-3325/88; A-2090)	855.Ap. C n (P-6564/88; A-2768)	302.810 r (P-1581/88; A-3722)	1110.40 am (P-1335)
830.600 am (P-3325/88; A-2090)	II. A n (P-6564/88; A-2768)	302.810 n (P-1581/88; A-3722)	1110.50 am (P-1335)
830.610 r (P-3325/88; A-2090)	II. B n (P-6564/88; A-2768)	302.820 r (P-1581/88; A-3722)	1110.60 am (P-1335)
830.620 am (P-3325/88; A-2090)	II. C n (P-6564/88; A-2768)	302.820 n (P-1581/88; A-3722)	1110.70 r (P-1335)
830.630 am (P-3325/88; A-2090)	II. D n (P-6564/88; A-2768)	302.822 r (P-1581/88; A-3722)	1110.70 n (P-1335)
830.640 am (P-3325/88; A-2090)	II. E n (P-6564/88; A-2768)	302.822 n (P-1581/88; A-3722)	1110.80 am (P-1335)
830.650 am (P-3325/88; A-2090)	II. F n (P-6564/88; A-2768)	302.824 r (P-1581/88; A-3722)	1110.90 am (P-1335)
830.660 r (P-3325/88; A-2090)	890.120 am (P-4543)	302.824 n (P-1581/88; A-3722)	1110.100 am (P-1335)
830.670 r (P-3325/88; A-2090)	890.620 am (P-4543)	302.825 r (P-1581/88; A-3722)	1110.110 am (P-1335)
830.700 am (P-3325/88; A-2090)	890.630 am (P-4543)	302.825 n (P-1581/88; A-3722)	1110.140 am (P-1335)
830.800 n (P-3325/88; A-2090)	890.640 am (P-4543)	302.825 r (P-1581/88; A-3722)	1110.150 am (P-1335)
830.820 am (P-3325/88; A-2090)	890.730 am (P-4543)	302.830 r (P-1581/88; A-3722)	1110.160 am (P-1335)
830.830 n (P-3325/88; A-2090)	890.820 am (P-4543)	302.830 n (P-1581/88; A-3722)	1110.170 am (P-1335)
830.840 n (P-3325/88; A-2090)	890.830 am (P-4543)	302.840 r (P-1581/88; A-3722)	1110.180 n (P-1335)
830.850 n (P-3325/88; A-2090)	890.920 am (P-4543)	302.840 n (P-1581/88; A-3722)	1120.20 am (P-1379)
830.860 n (P-3325/88; A-2090)	890.1040 am (P-4543)	302.846 r (P-1581/88; A-3722)	1120.40 am (P-1379)
830.870 n (P-3325/88; A-2090)	890.1070 am (P-4543)	302.846 n (P-1581/88; A-3722)	1120.50 am (P-1379)
830.880 n (P-3325/88; A-2090)	890.1110 am (P-4543)	302.850 r (P-1581/88; A-3722)	1120.70 n (P-1379)
830.890 n (P-3325/88; A-2090)	890.1210 am (P-4543)	302.850 n (P-1581/88; A-3722)	1125.10 am (P-16375/88; A-1784)
855.10 am (P-6564/88; A-2768)	890.1410 am (P-4543)	302.860 r (P-1581/88; A-3722)	1125.20 am (P-16375/88; A-1784)
855.20 am (P-6564/88; A-2768)	890.1460 am (P-4543)	302.860 n (P-1581/88; A-3722)	1125.30 r (P-16375/88; A-1784)
855.50 am (P-6564/88; A-2768)	890.1540 am (P-4543)	302.863 r (P-1581/88; A-3722)	1125.50 r (P-16375/88; A-1784)
855.55 n (P-6564/88; A-2768)	890.1550 am (P-4543)	302.863 n (P-1581/88; A-3722)	1125.70 am (P-16375/88; A-1784)
855.60 am (P-6564/88; A-2768)	890.1620 am (P-4543)	310.30 am (P-1296)	1125.80 am (P-16375/88; O-22492/88; R-1905; A-1784)
855.70 am (P-6564/88; A-2768)	890.1640 am (P-4543)	310.230 am (P-1296)	1125.90 r (P-16375/88; A-1784)
855.80 am (P-6564/88; A-2768)	890.1650 am (P-4543)	310.280 am (P-1296)	1125.100 n (P-16375/88; A-1784)
855.130 am (P-6564/88; A-2768)	890.1720 am (P-4543)	310.290 am (P-1296)	1570.40 am (P-14122/88; O-22492/88; R-1626; A-1577)
855.140 am (P-6564/88; A-2768)	890.1750 am (P-4543)	310.320 am (P-1296)	1570.60 r (P-14122/88; O-22492/88; R-1626; A-1577)
855.180 am (P-6564/88; A-2768)	890.2000 am (P-4543)	310.Ap. A am (P-20584/88; RC-1254)	1570.70 am (P-14122/88; O-22492/88; R-1626; A-1577)
855.220 am (P-6564/88; A-2768)	890.2110 am (P-4543)	310.Tb. F am (P-2892)	1570.80 am (P-14122/88; O-22492/88; R-1626; A-1577)
855.240 am (P-6564/88; A-2768)	890.3010 n (P-4543)	Tb. P am (P-20584/88; RC-1254)	1570.90 am (P-14122/88; O-22492/88; R-1626; A-1577)
855.260 am (P-6564/88; A-2768)	890.3020 n (P-4543)	1100.10 am (P-1327)	1570.100 am (P-14122/88; O-22492/88; R-1626; A-1577)
855.270 am (P-6564/88; A-2768)	890.3030 n (P-4543)	1100.20 am (P-1327)	1570.110 r (P-14122/88; O-22492/88; R-1626; A-1577)
855.275 n (P-6564/88; A-2768)	890.3040 n (P-4543)	1100.30 am (P-1327)	1570.150 r (P-14122/88; O-22492/88; R-1626; A-1577)
855.280 am (P-6564/88; A-2768)	890.3050 n (P-4543)	1100.40 am (P-1327)	1570.160 am (P-14122/88; O-22492/88; R-1626; A-1577)
855.290 am (P-6564/88; A-2768)	890.3060 n (P-4543)	1100.50 am (P-1327)	2110.30 am (P-1) (E-214)
855.300 am (P-6564/88; A-2768)	890.3070 n (P-4543)	1100.70 am (P-1327)	
855.330 n (P-6564/88; A-2768)	890.3080 n (P-4543)	1100.80 am (P-1327)	
855.340 n (P-6564/88; A-2768)	890.3090 n (P-4543)	1100.90 n (P-1327)	
855.345 n (P-6564/88; A-2768)	890.4000 n (P-4543)	1100.100 n (P-1327)	
855.350 n (P-6564/88; A-2768)	2510.50 am (P-13694/88; A-334)	1105.10 am (P-1335)	
855.360 n (P-6564/88; A-2768)		1105.20 am (P-1335)	
855.Ap. A am (P-6564/88; A-2768)		1105.30 am (P-1335)	
II. B am (P-6564/88; A-2768)		1105.40 am (P-1335)	
855.Ap. B am (P-6564/88; A-2768)		1105.50 am (P-1335)	
II. A n (P-6564/88; A-2768)		1105.80 am (P-1335)	

TITLE 80 (CONT'D)		TITLE 80 (CONT'D)	
150.565 am (P-1643/88; A-5201)	1105.100 am (P-1335)	150.565 am (P-1643/88; A-5201)	1105.100 am (P-1335)
150.665 am (P-1643/88; A-5201)	1105.110 am (P-1335)	150.680 am (P-1643/88; A-5201)	1105.120 am (P-1335)
250.70 am (P-1921)	1105.130 r (P-1335)	302.190 am (P-1639)	1105.140 am (P-1335)
302.190 am (P-1639)	1105.150 am (P-1335)	302.200 am (P-1639)	1105.160 am (P-1335)
302.625 am (P-1581/88; A-3722)	1105.170 am (P-1335)	302.800 r (P-1581/88; A-3722)	1105.220 am (P-1335)
302.800 r (P-1581/88; A-3722)	1110.40 am (P-1335)	302.800 n (P-1581/88; A-3722)	1110.50 am (P-1335)
302.810 r (P-1581/88; A-3722)	1110.60 am (P-1335)	302.810 n (P-1581/88; A-3722)	1110.70 r (P-1335)
302.820 r (P-1581/88; A-3722)	1110.80 am (P-1335)	302.820 r (P-1581/88; A-3722)	1110.80 am (P-1335)
302.820 n (P-1581/88; A-3722)	1110.90 am (P-1335)	302.822 r (P-1581/88; A-3722)	1110.90 am (P-1335)
302.822 r (P-1581/88; A-3722)	1110.100 am (P-1335)	302.822 n (P-1581/88; A-3722)	1110.110 am (P-1335)
302.824 r (P-1581/88; A-3722)	1110.140 am (P-1335)	302.824 n (P-1581/88; A-3722)	1110.150 am (P-1335)
302.825 r (P-1581/88; A-3722)	1110.160 am (P-1335)	302.825 r (P-1581/88; A-3722)	1110.170 am (P-1335)
302.825 n (P-1581/88; A-3722)	1110.180 n (P-1335)	302.830 r (P-1581/88; A-3722)	1120.20 am (P-1379)
302.830 r (P-1581/88; A-3722)	1120.40 am (P-1379)	302.840 r (P-1581/88; A-3722)	1120.50 am (P-1379)
302.840 r (P-1581/88; A-3722)	1120.70 n (P-1379)	302.846 r (P-1581/88; A-3722)	1125.10 am (P-16375/88; A-1784)
302.846 r (P-1581/88; A-3722)	1125.20 am (P-16375/88; A-1784)	302.850 r (P-1581/88; A-3722)	1125.30 r (P-16375/88; A-1784)
302.850 r (P-1581/88; A-3722)	1125.50 r (P-16375/88; A-1784)	302.860 r (P-1581/88; A-3722)	1125.70 am (P-16375/88; A-1784)
302.860 r (P-1581/88; A-3722)	1125.80 am (P-16375/88; A-1784)	302.863 r (P-1581/88; A-3722)	1125.90 am (P-14122/88; O-22492/88; R-1626; A-1577)
302.863 r (P-1581/88; A-3722)	1125.100 n (P-16375/88; A-1784)	310.30 am (P-1296)	1570.40 am (P-14122/88; O-22492/88; R-1626; A-1577)
310.30 am (P-1296)	1570.60 r (P-14122/88; O-22492/88; R-1626; A-1577)	310.230 am (P-1296)	1570.70 am (P-14122/88; O-22492/88; R-1626; A-1577)
310.230 am (P-1296)	1570.80 am (P-14122/88; O-22492/88; R-1626; A-1577)	310.280 am (P-1296)	1570.90 am (P-14122/88; O-22492/88; R-1626; A-1577)
310.280 am (P-1296)	1570.100 am (P-14122/88; O-22492/88; R-1626; A-1577)	310.290 am (P-1296)	1570.100 am (P-14122/88; O-22492/88; R-1626; A-1577)
310.290 am (P-1296)	1570.110 r (P-14122/88; O-22492/88; R-1626; A-1577)	310.320 am (P-1296)	1570.150 r (P-14122/88; O-22492/88; R-1626; A-1577)
310.Ap. A am (P-20584/88; RC-1254)	1570.160 am (P-14122/88; O-22492/88; R-1626; A-1577)	310.Tb. F am (P-2892)	2110.30 am (P-1) (E-214)
310.Tb. F am (P-2892)		Tb. P am (P-20584/88; RC-1254)	
1100.10 am (P-1327)		1100.20 am (P-1327)	
1100.20 am (P-1327)		1100.30 am (P-1327)	
1100.30 am (P-1327)		1100.40 am (P-1327)	
1100.40 am (P-1327)		1100.50 am (P-1327)	
1100.50 am (P-1327)		1100.70 am (P-1327)	
1100.70 am (P-1327)		1100.80 am (P-1327)	
1100.80 am (P-1327)		1100.90 n (P-1327)	
1100.90 n (P-1327)		1100.100 n (P-1327)	
1105.10 am (P-1335)		1105.10 am (P-1335)	
1105.20 am (P-1335)		1105.30 am (P-1335)	
1105.30 am (P-1335)		1105.40 am (P-1335)	
1105.40 am (P-1335)		1105.50 am (P-1335)	
1105.50 am (P-1335)		1105.80 am (P-1335)	

TITLE 80 (CONT'D)		TITLE 83 (CONT'D)	
2110.320	am (P-1) (E-214)	440.10	n (P-3162/88; A-296)
2110.330	am (P-1) (E-214)	440.100	n (P-3162/88; A-296)
2110.510	am (P-1) (E-214)	440.200	n (P-3162/88; A-296)
2110.530	am (P-1) (E-214)	440.210	n (P-3162/88; A-296)
2150.1	n (P-10285/88; A-2402)	440.220	n (P-3162/88; A-296)
2150.2	n (P-10285/88; A-2402)	440.240	n (P-3162/88; A-296)
2150.5	n (P-10285/88; A-2402)	440.300	n (P-3162/88; A-296)
2650.1	n (P-6871/88; O-1256; R-3411; A-3330)	440.310	n (P-3162/88; A-296)
2650.5	n (P-6871/88; O-1256; R-3411; A-3330)	440.400	n (P-3162/88; A-296)
2650.10	n (P-6871/88; O-1256; R-3411; A-3330)	440.410	n (P-3162/88; A-296)
2650.15	n (P-6871/88; O-1256; R-3411; A-3330)	440.420	n (P-3162/88; A-296)
2650.20	n (P-6871/88; O-1256; R-3411; A-3330)	440.430	n (P-3162/88; A-296)
2650.25	n (P-6871/88; O-1256; R-3411; A-3330)	440.500	n (P-3162/88; A-296)
2650.30	n (P-6871/88; O-1256; R-3411; A-3330)	440.510	n (P-3162/88; A-296)
2700.200	am (P-253) (E-629)	440.520	n (P-3162/88; A-296)
2700.440	am (P-253) (E-629)	440.600	n (P-3162/88; A-296)
2700.620	am (P-253) (E-629)	440.610	n (P-3162/88; A-296)
2700.630	am (P-253) (E-629)	440.620	n (P-3162/88; A-296)
2700.650	am (P-253) (E-629)	440.640	n (P-3162/88; A-296)
2700.700	am (P-253) (E-629)	440.650	n (P-3162/88; A-296)
2700.710	am (P-253) (E-629)	440.660	n (P-3162/88; A-296)
2700.720	am (P-253) (E-629)	440.700	n (P-3162/88; A-296)
2700.735	n (P-253) (E-629)	440.800	n (P-3162/88; A-296)
2700.740	am (P-253) (E-629)	440.810	n (P-3162/88; A-296)
2700.750	am (P-253) (E-629)	440.900	n (P-3162/88; A-296)
2700.820	am (P-253) (E-629)	440.910	n (P-3162/88; A-296)
2700.920	am (P-253) (E-629)	505.10	am (P-1686)
2700.Ap. A	am (P-253) (E-629)	595.120	am (P-16309/88; A-2036)
Ex. E	am (P-253) (E-629)		
Ex. F	am (P-253) (E-629)		
TITLE 86		TITLE 86	
215.10	am (P-18026/88; A-4650)	100.3700	am (P-2383)
215.30	am (P-18026/88; A-4650)	100.5706	am (P-768)
281.30	am (P-1647)	151.105	n (P-1498)
281.90	am (P-1647)	151.110	n (P-1498)
281.100	am (P-1647)	151.115	n (P-1498)
281.Ex. D	am (P-1647)	432.100	n (P-15027/88; A-191)
281.Ex. E	am (P-1647)	432.110	n (P-15027/88; A-191)
325.5	r (P-18021/88; A-4648)	432.120	n (P-15027/88; A-191)
325.10	r (P-18021/88; A-4648)	432.130	n (P-15027/88; A-191)
325.20	r (P-18021/88; A-4648)	432.140	n (P-15027/88; A-191)
435.10	r (P-3)	432.150	n (P-15027/88; A-191)
435.20	r (P-3)	432.160	n (P-15027/88; A-191)
435.30	r (P-3)	432.170	n (P-15027/88; A-191)
435.40	r (P-3)	432.180	n (P-15027/88; A-191)
435.50	r (P-3)	432.190	n (P-15027/88; A-191)
435.60	r (P-3)	432.200	n (P-15027/88; A-191)
		530.165	am (P-11448)
		600.101	n (P-1448)
		600.105	n (P-1448)
		600.110	n (P-1448)
		600.115	n (P-1448)
		600.120	n (P-1448)
		600.125	n (P-1448)
		600.130	n (P-1448)
		600.135	n (P-1448)

TITLE 86 (CONT'D)		TITLE 89 (CONT'D)	
610.101	n (P-1460)	104.285	am (P-2958)
610.105	n (P-1460)	104.290	am (P-2958)
610.110	n (P-1460)	104.800	am (P-20747/88; A-3944)
610.115	n (P-1460)	110.1	n (P-20670/88; A-3836)
610.120	n (P-1460)	110.10	am (P-2931)
610.125	n (P-1460)	111.1	n (P-20674/88; A-3840)
610.130	n (P-1460)	111.101	n (P-15920/88; A-85)
610.135	n (P-1460)	112.40	am (P-1948)
620.101	n (P-1468)	112.98	am (P-2226)
620.105	n (P-1468)	112.252	am (P-15905/88; A-70)
620.110	n (P-1468)	112.253	am (P-15905/88; A-70)
620.115	n (P-1468)	112.254	am (P-15905/88; A-70)
620.120	n (P-1468)	112.318	n (P-4116)
630.101	n (P-1473)	113.142	am (P-15898/88; A-63)
630.105	n (P-1473)	113.253	am (E-3402)
630.110	n (P-1473)	113.260	am (E-3402)
630.115	n (P-1473)	113.302	am (P-4481)
630.120	n (P-1473)	114.5	n (P-20967/88; A-3900)
630.125	n (P-1473)	114.127	am (P-14996/88; A-89) (P-1959)
630.130	n (P-1473)	114.128	am (P-17621/88; A-1546)
630.135	n (P-1473)	114.351	am (P-15924/88; A-89)
640.101	n (P-1485)	114.352	am (P-15924/88; A-89)
640.105	n (P-1485)	114.353	am (P-15924/88; A-89)
640.110	n (P-1485)	115.1	n (P-20755/88; A-3932)
640.115	n (P-1485)	115.10	am (P-2702)
640.120	n (P-1485)	115.30	am (P-2702)
640.125	n (P-1485)	116.10	n (P-20683/88; A-3847)
640.130	n (P-1485)	117.1	n (P-20759/88; A-3936)
640.135	n (P-1485)	118.300	n (P-20753/88; A-3950)
650.101	n (P-1493)	120.1	n (P-20705/88; A-3908)
650.105	n (P-1493)	120.40	am (P-17633/88; A-2081)
650.110	n (P-1493)	120.70	am (P-3281)
650.115	n (P-1493)	120.72	n (P-3281)
650.120	n (P-1493)	120.74	n (P-3281)
		120.76	n (P-3281)
		120.382	am (P-15938/88; A-116) (P-3281)
101.1	n (P-20694/88; A-3897)	121.58	am (P-3541)
102.1	n (P-20743/88; A-3940)	121.62	am (P-3541)
103.1	n (P-20757/88; A-3954)	121.135	n (P-20686/88; A-3890)
103.20	am (P-17667/88; A-2496)	130.301	am (P-4469)
104.202	am (P-2958)	130.302	am (P-4469)
104.208	am (P-2958)	130.310	am (P-4469)
104.210	am (P-2958)	130.312	am (P-4469)
104.212	am (P-2958)	130.313	am (P-4469)
104.221	am (P-2958)	130.314	am (P-4469)
104.230	am (P-2958)	130.321	am (P-4469)
104.231	am (P-2958)	130.500	n (P-20649/88; A-3831)
104.235	n (P-2958)	140.16	am (P-2937)
104.243	am (P-2958)	140.17	am (P-2937)
104.244	am (P-2958)	140.19	am (P-12976/88; A-3917)
104.247	am (P-2958)	140.21	n (P-3295)
104.257	n (P-2958)	140.100	am (P-16421/88; O-1259; M-3195; A-3069)
104.260	am (P-2958)	140.350	am (P-5958/88; A-3351)
104.270	am (P-2958)	140.362	am (P-5958/88; A-3351)
104.274	am (P-2958)	140.363	am (P-5958/88; A-3351)
104.280	am (P-2958)		

TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
140.364 r (P-5958/88; A-3351)	141.4200 am (P-20370/88; A-3850)	141.4200 am (P-685)	510.230 r (P-3020)
140.364 n (P-5958/88; A-3351)	141.4230 n (P-20370/88; A-3850)	240.1720 n (P-685)	510.240 r (P-3020)
140.367 am (P-5958/88; A-3351)	141.4440 am (P-15483/88; A-516)	240.1725 n (P-685)	510.250 r (P-3020)
140.369 am (P-5958/88; A-3351)	141.4520 am (P-15483/88; A-516)	240.1730 n (P-685)	510.260 r (P-3020)
140.370 am (P-5958/88; A-3351)	141.4720 am (P-15483/88; A-516)	240.1735 n (P-685)	510.270 r (P-3020)
140.372 am (P-5958/88; A-3351)	141.4760 am (P-15483/88; A-516)	240.1737 n (P-685)	510.280 r (P-3020)
140.373 r (P-5958/88; A-3351)	141.4800 am (P-20370/88; A-3850)	240.1738 n (P-685)	510.290 r (P-3020)
140.376 r (P-5958/88; A-3351)	147.25 am (P-3562)	240.1739 n (P-685)	510.300 r (P-3020)
140.390 am (P-17643/88; A-5115)	147.50 am (P-3562)	240.1960 n (P-685)	510.310 r (P-3020)
140.392 am (P-17643/88; A-5115)	147.75 am (P-10627/88; A-559)	300.20 am (P-10627/88; A-559)	510.320 r (P-3020)
140.394 am (P-17643/88; A-5115)	147.100 am (P-10627/88; A-559)	300.30 am (P-11953/88; A-2419)	510.330 r (P-3020)
140.400 am (P-17172/88; A-2475)	147.100 am (P-10627/88; A-559)	300.90 am (P-11953/88; A-2419)	510.410 r (P-3020)
140.441 am (P-17172/88; A-2475)	147.100 am (P-10627/88; A-559)	300.100 am (P-11953/88; A-2419)	510.420 r (P-3020)
140.443 am (P-17172/88; A-2475)	147.100 am (P-10627/88; A-559)	300.110 am (P-11953/88; A-2419)	520.20 am (P-6911/88; A-5149)
140.445 am (P-17172/88; A-2475)	147.100 am (P-10627/88; A-559)	300.130 am (P-11953/88; A-2419)	520.30 am (P-6911/88; A-5149)
140.447 am (P-17172/88; A-2475)	149.100 am (P-3553)	300.140 am (P-11953/88; A-2419)	520.100 am (P-6911/88; A-5149)
140.512 am (P-11995/88; A-125)	149.105 am (P-13917/88; A-554)	300.160 am (P-11953/88; A-2419)	530.5 n (P-3565/88; A-141)
140.526 am (P-1420)	160.1 n (P-21039/88; A-4268)	310.12 am (P-1396)	530.10 am (P-3565/88; A-141)
141.200 am (P-20370/88; A-3850)	160.5 n (P-1396)	357.2 am (P-1396)	530.20 r (P-3565/88; A-141)
141.400 am (P-15483/88; A-516)	160.70 am (P-20677/88; A-4268)	357.3 am (P-1396)	530.105 r (P-3565/88; A-141)
141.480 am (P-15483/88; A-516)	160.100 n (P-1396)	357.11 am (P-1396)	530.110 am (P-3565/88; A-141)
141.560 am (P-15483/88; A-516)	160.110 n (P-1396)	431.5 am (P-1396)	530.120 r (P-3565/88; A-141)
141.720 am (P-20370/88; A-3850)	160.130 n (P-1396)	431.6 am (P-1396)	530.130 am (P-3565/88; A-141)
141.800 am (P-15483/88; A-516)	160.140 n (P-1396)	431.7 am (P-1396)	530.140 am (P-3565/88; A-141)
141.1160 am (P-15483/88; A-516)	160.150 n (P-1396)	431.8 am (P-1396)	530.150 r (P-3565/88; A-141)
141.1240 am (P-15483/88; A-516)	160.160 n (P-1396)	431.11 n (P-1396)	530.200 n (P-3565/88; A-141)
141.1280 am (P-15483/88; A-516)	165.1 n (P-20679/88; A-3843)	431.12 # (P-1396)	530.230 n (P-3565/88; A-141)
141.1480 am (P-15483/88; A-516)	170.100 n (P-4490)	431.2 # (P-1396)	530.240 n (P-3565/88; A-141)
141.1520 am (P-15483/88; A-516)	170.110 n (P-4490)	437.4 am (P-1396)	530.260 n (P-3565/88; A-141)
141.1680 am (P-15483/88; A-516)	170.120 n (P-4490)	437.8 # (P-1396)	552.40 am (P-277)
141.1760 am (P-15483/88; A-516)	170.130 n (P-4490)	437.9 # (P-1396)	552.100 am (P-52; W-4309)
141.2280 am (P-15483/88; A-516)	170.200 n (P-4490)	437.9 # (P-1396)	562.30 am (P-4685/88; A-2866)
141.2360 am (P-15483/88; A-516)	230.360 am (P-14777/88; A-2015)	437.9 # (P-1396)	567.10 am (P-281)
141.2400 am (P-15483/88; A-516)	230.362 am (P-14777/88; A-2015)	437.9 # (P-1396)	587.50 am (P-2192/88; A-1850)
141.2600 am (P-20370/88; A-3850)	230.510 n (P-12137/88; A-3054)	437.9 # (P-1396)	587.110 am (P-2192/88; A-1850)
141.2760 am (P-15483/88; A-516)	230.520 n (P-12137/88; A-3054)	437.9 # (P-1396)	587.130 am (P-2192/88; A-1850)
141.2920 am (P-20370/88; A-3850)	230.530 n (P-12137/88; A-3054)	437.9 # (P-1396)	587.500 am (P-2192/88; A-1850)
141.2960 am (P-15483/88; A-516)	230.540 n (P-12137/88; A-3054)	437.9 # (P-1396)	592.45 n (P-2092/88; A-1573)
141.3280 am (P-20370/88; A-3850)	230.580 n (P-12137/88; A-3054)	437.9 # (P-1396)	597.20 am (P-2197/88; A-1568)
141.3440 am (P-15483/88; A-516)	230.590 n (P-12137/88; A-3054)	437.9 # (P-1396)	597.150 n (P-2197/88; A-1568)
141.3480 am (P-15483/88; A-516)	230.560 n (P-12137/88; A-3054)	437.9 # (P-1396)	607.60 am (P-56) (E-225; O-3478)
141.3760 am (P-15483/88; A-516)	230.570 n (P-12137/88; A-3054)	437.9 # (P-1396)	685.600 am (P-15023/88; A-5158)
141.3800 am (P-15483/88; A-516)	230.580 n (P-12137/88; A-3054)	437.9 # (P-1396)	700.200 am (P-10409/88; A-3101)
141.3840 am (P-15483/88; A-516)	230.590 n (P-12137/88; A-3054)	437.9 # (P-1396)	700.300 am (P-10409/88; A-3101)
141.3920 am (P-20370/88; A-3850)	240.1400 am (P-685)	437.9 # (P-1396)	714.10 am (P-4152)
141.4000 am (P-15483/88; A-516)	240.1410 am (P-685)	437.9 # (P-1396)	714.20 am (P-4152)
141.4040 am (P-15483/88; A-516)	240.1420 am (P-685)	437.9 # (P-1396)	714.30 am (P-4152)
141.4160 am (P-15483/88; A-516)	240.1430 am (P-685)	437.9 # (P-1396)	765.10 n (P-13948/88; A-5154)
	240.1440 am (P-685)	437.9 # (P-1396)	843.10 am (P-15015/88; A-4298)
	240.1450 am (P-685)	437.9 # (P-1396)	843.50 am (P-15015/88; A-4298)
	240.1460 am (P-685)	437.9 # (P-1396)	843.60 am (P-15015/88; A-4298)
	240.1470 am (P-685)	437.9 # (P-1396)	843.70 am (P-15015/88; A-4298)
	240.1480 am (P-685)	437.9 # (P-1396)	843.150 am (P-15015/88; A-4298)
	240.1490 am (P-685)	437.9 # (P-1396)	843.160 am (P-15015/88; A-4298)
	240.1500 am (P-685)	437.9 # (P-1396)	845.40 n (P-4641)

TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
240.1720 n (P-685)	510.230 r (P-3020)	240.1720 n (P-685)	510.230 r (P-3020)
240.1725 n (P-685)	510.240 r (P-3020)	240.1725 n (P-685)	510.240 r (P-3020)
240.1730 n (P-685)	510.250 r (P-3020)	240.1730 n (P-685)	510.250 r (P-3020)
240.1735 n (P-685)	510.260 r (P-3020)	240.1735 n (P-685)	510.260 r (P-3020)
240.1737 n (P-685)	510.270 r (P-3020)	240.1737 n (P-685)	510.270 r (P-3020)
240.1738 n (P-685)	510.280 r (P-3020)	240.1738 n (P-685)	510.280 r (P-3020)
240.1739 n (P-685)	510.290 r (P-3020)	240.1739 n (P-685)	510.290 r (P-3020)
240.1960 n (P-685)	510.300 r (P-3020)	240.1960 n (P-685)	510.300 r (P-3020)
300.20 am (P-11953/88; A-2419)	510.310 r (P-3020)	300.20 am (P-11953/88; A-2419)	510.310 r (P-3020)
300.30 am (P-11953/88; A-2419)	510.320 r (P-3020)	300.30 am (P-11953/88; A-2419)	510.320 r (P-3020)
300.90 am (P-11953/88; A-2419)	510.410 r (P-3020)	300.90 am (P-11953/88; A-2419)	510.410 r (P-3020)
300.100 am (P-11953/88; A-2419)	510.420 r (P-3020)	300.100 am (P-11953/88; A-2419)	510.420 r (P-3020)
300.110 am (P-11953/88; A-2419)	520.20 am (P-6911/88; A-5149)	300.110 am (P-11953/88; A-2419)	520.20 am (P-6911/88; A-5149)
300.130 am (P-11953/88; A-2419)	520.30 am (P-6911/88; A-5149)	300.130 am (P-11953/88; A-2419)	520.30 am (P-6911/88; A-5149)
300.140 am (P-11953/88; A-2419)	520.100 am (P-6911/88; A-5149)	300.140 am (P-11953/88; A-2419)	520.100 am (P-6911/88; A-5149)
310.12 am (P-1396)	530.5 n (P-3565/88; A-141)	310.12 am (P-1396)	530.5 n (P-3565/88; A-141)
357.2 am (P-1396)	530.10 am (P-3565/88; A-141)	357.2 am (P-1396)	530.10 am (P-3565/88; A-141)
357.3 am (P-1396)	530.105 r (P-3565/88; A-141)	357.3 am (P-1396)	530.105 r (P-3565/88; A-141)
357.11 am (P-1396)	530.110 am (P-3565/88; A-141)	357.11 am (P-1396)	530.110 am (P-3565/88; A-141)
431.5 am (P-1396)	530.120 r (P-3565/88; A-141)	431.5 am (P-1396)	530.120 r (P-3565/88; A-141)
431.6 am (P-1396)	530.130 am (P-3565/88; A-141)	431.6 am (P-1396)	530.130 am (P-3565/88; A-141)
431.7 am (P-1396)	530.140 am (P-3565/88; A-141)	431.7 am (P-1396)	530.140 am (P-3565/88; A-141)
431.8 am (P-1396)	530.150 r (P-3565/88; A-141)	431.8 am (P-1396)	530.150 r (P-3565/88; A-141)
431.11 n (P-1396)	530.200 n (P-3565/88; A-141)	431.11 n (P-1396)	530.200 n (P-3565/88; A-141)
431.12 # (P-1396)	530.230 n (P-3565/88; A-141)	431.12 # (P-1396)	530.230 n (P-3565/88; A-141)
437.4 am (P-1396)	530.240 n (P-3565/88; A-141)	437.4 am (P-1396)	530.240 n (P-3565/88; A-141)
437.8 # (P-1396)	552.40 am (P-277)	437.8 # (P-1396)	552.40 am (P-277)
437.9 # (P-1396)	552.100 am (P-52; W-4309)	437.9 # (P-1396)	552.100 am (P-52; W-4309)
437.9 # (P-1396)	562.30 am (P-4685/88; A-2866)	437.9 # (P-1396)	562.30 am (P-4685/88; A-2866)
437.9 # (P-1396)	567.10 am (P-281)	437.9 # (P-1396)	567.10 am (P-281)
437.9 # (P-1396)	587.50 am (P-2192/88; A-1850)	437.9 # (P-1396)	587.50 am (P-2192/88; A-1850)
437.9 # (P-1396)	587.110 am (P-2192/88; A-1850)	437.9 # (P-1396)	587.110 am (P-2192/88; A-1850)
437.9 # (P-1396)	587.130 am (P-2192/88; A-1850)	437.9 # (P-1396)	587.130 am (P-2192/88; A-1850)
437.9 # (P-1396)	587.500 am (P-2192/88; A-1850)	437.9 # (P-1396)	587.500 am (P-2192/88; A-1850)
437.9 # (P-1396)	592.45 n (P-2092/88; A-1573)	437.9 # (P-1396)	592.45 n (P-2092/88; A-1573)
437.9 # (P-1396)	597.20 am (P-2197/88; A-1568)	437.9 # (P-1396)	597.20 am (P-2197/88; A-1568)
437.9 # (P-1396)	597.150 n (P-2197/88; A-1568)	437.9 # (P-1396)	597.150 n (P-2197/88; A-1568)
437.9 # (P-1396)	607.60 am (P-56) (E-225; O-3478)	437.9 # (P-1396)	607.60 am (P-56) (E-225; O-3478)
437.9 # (P-1396)	685.600 am (P-15023/88; A-5158)	437.9 # (P-1396)	685.600 am (P-15023/88; A-5158)
437.9 # (P-1396)	700.200 am (P-10409/88; A-3101)	437.9 # (P-1396)	700.200 am (P-10409/88; A-3101)
437.9 # (P-1396)	700.300 am (P-10409/88; A-3101)	437.9 # (P-1396)	700.300 am (P-10409/88; A-3101)
437.9 # (P-1396)	714.10 am (P-4152)	437.9 # (P-1396)	714.10 am (P-4152)
437.9 # (P-1396)	714.20 am (P-4152)	437.9 # (P-1396)	714.20 am (P-4152)
437.9 # (P-1396)	714.30 am (P-4152)	437.9 # (P-1396)	714.30 am (P-4152)
437.9 # (P-1396)	765.10 n (P-13948/88; A-5154)	437.9 # (P-1396)	765.10 n (P-13948/88; A-5154)
437.9 # (P-1396)	843.10 am (P-15015/88; A-4298)	437.9 # (P-1396)	843.10 am (P-15015/88; A-4298)
437.9 # (P-1396)	843.50 am (P-15015/88; A-4298)	437.9 # (P-1396)	843.50 am (P-15015/88; A-4298)
437.9 # (P-1396)	843.60 am (P-15015/88; A-4298)	437.9 # (P-1396)	843.60 am (P-15015/88; A-4298)
437.9 # (P-1396)	843.70 am (P-15015/88; A-4298)	437.9 # (P-1396)	843.70 am (P-15015/88; A-4298)
437.9 # (P-1396)	843.150 am (P-15015/88; A-4298)	437.9 # (P-1396)	843.150 am (P-15015/88; A-4298)
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TITLE 11			TITLE 41 (CONTD)			TITLE 27			TITLE 83		
am	(E-1899; O-5811)	417.30	n	(A-5669)	170.620	n	(A-5669)	635.20	am	(P-5505)	1150.320
n	(E-1899; O-5811)	417.35	n	(A-5669)	170.630	n	(A-5669)	635.30	am	(P-5505)	1150.330
n	(E-1899; O-5811)	417.100	n	(A-5669)	170.640	n	(A-5669)	635.35	n	(P-5505)	1150.410
n	(P-1099; O-5802)	437.10	n	(A-5669)	170.650	n	(A-5669)	635.40	am	(P-5505)	1150.420
n	(P-1099; O-5802)	437.20	n	(A-5669)	170.660	n	(A-5669)	635.50	am	(P-5505)	1150.430
n	(P-1099; O-5802)	437.30	n	(A-5669)	170.670	#	(A-5669)	635.60	am	(P-5505)	1150.440
n	(P-1099; O-5802)	437.40	n	(A-5669)	170.670	am	(A-5669)	635.70	am	(P-5505)	1150.450
TITLE 12			TITLE 26			TITLE 83					
am	(P-20993/88; O-5796)	710.20	n	(A-5669)	170.70	n	(A-5669)	635.80	am	(P-5505)	285.110
TITLE 23			TITLE 35			TITLE 83					
1720.40			n	(P-5322)	201.50	n	(P-5322)	285.115	am	(P-5229)	285.115
1720.60	(P-18114/88; RC-5805)		n	(P-5339)	202.60	n	(P-5339)	285.130	am	(P-5229)	285.130
1720.75	(P-18114/88; RC-5805)		n	(P-5327)	207.70	am	(P-5327)	285.150	am	(P-5229)	285.150
TITLE 26			TITLE 35			TITLE 83					
201.50			n	(P-5322)	207.80	am	(P-5327)	285.160	am	(P-5229)	285.160
207.90			am	(P-5327)	207.90	am	(P-5327)	285.170	am	(P-5229)	285.170
207.110			n	(P-5327)	207.110	n	(P-5327)	285.210	am	(P-5229)	285.210
207.40			n	(P-5327)	207.40	n	(P-5327)	285.210	am	(P-5229)	285.210
208.20			n	(P-5317)	208.20	n	(P-5317)	285.310	am	(P-5229)	285.310
TITLE 35			TITLE 41			TITLE 83					
365.503	(P-18030/88; RC-5798)		n	(P-5317)	365.503	n	(P-5317)	285.410	am	(P-5229)	285.410
TITLE 41			TITLE 51			TITLE 83					
170.75			#	(A-5669)	170.75	#	(A-5669)	285.505	am	(P-5229)	285.505
170.400			n	(A-5669)	170.400	n	(A-5669)	285.510	am	(P-5229)	285.510
170.410			n	(A-5669)	170.410	n	(A-5669)	285.515	am	(P-5229)	285.515
170.420			n	(A-5669)	170.420	n	(A-5669)	285.520	am	(P-5229)	285.520
170.430			n	(A-5669)	170.430	n	(A-5669)	285.525	am	(P-5229)	285.525
170.440			n	(A-5669)	170.440	n	(A-5669)	285.530	am	(P-5229)	285.530
170.450			n	(A-5669)	170.450	n	(A-5669)	285.535	am	(P-5229)	285.535
170.460			n	(A-5669)	170.460	n	(A-5669)	285.540	am	(P-5229)	285.540
170.470			n	(A-5669)	170.470	n	(A-5669)	285.545	am	(P-5229)	285.545
170.480			n	(A-5669)	170.480	n	(A-5669)	285.550	am	(P-5229)	285.550
170.490			n	(A-5669)	170.490	n	(A-5669)	285.555	am	(P-5229)	285.555
170.500			n	(A-5669)	170.500	n	(A-5669)	285.560	am	(P-5229)	285.560
170.510			n	(A-5669)	170.510	n	(A-5669)	285.565	am	(P-5229)	285.565
170.520			n	(A-5669)	170.520	n	(A-5669)	285.570	am	(P-5229)	285.570
170.530			n	(A-5669)	170.530	n	(A-5669)	285.575	am	(P-5229)	285.575
170.540			n	(A-5669)	170.540	n	(A-5669)	285.580	am	(P-5229)	285.580
170.550			n	(A-5669)	170.550	n	(A-5669)	285.585	am	(P-5229)	285.585
170.560			n	(A-5669)	170.560	n	(A-5669)	285.590	am	(P-5229)	285.590
170.570			n	(A-5669)	170.570	n	(A-5669)	285.595	am	(P-5229)	285.595
170.580			n	(A-5669)	170.580	n	(A-5669)	285.600	am	(P-5229)	285.600
170.590			n	(A-5669)	170.590	n	(A-5669)	285.605	am	(P-5229)	285.605
170.600			n	(A-5669)	170.600	n	(A-5669)	285.610	am	(P-5229)	285.610
170.610			n	(A-5669)	170.610	n	(A-5669)	285.615	am	(P-5229)	285.615

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